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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 10, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. William H. Harter, Pastor, The Presbyterian Church of Falling Spring, Chambersburg, Pennsylvania, offered the following prayer:

Almighty God, Creator of the Universe, we praise You this day for the gift of life. You have granted us freedom and established sovereignty in our land by the will of Your people, expressed through those elected to lead.

Bless those who gather here to consider and to act. May they be enlightened by Your wisdom, moved by Your compassion and empowered by zeal for Your justice. Enable them to be faithful to their calling. May trust in You make them unafraid.

We assemble, Lord, in time of war. Unless You watch over the city, the guard stays awake in vain, Psalm 127:1.

Have mercy on us, Lord. Grant Your protecting grace. May Your perfect love cast out fear. Pour out comfort, strength, resolve, confidence, and hope upon this House, upon all who defend freedom, and upon all who humbly seek peace in every place.

In Your holy name. Amen.

THE JOURNAL

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

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

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

The SPEAKER pro tempore. 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.

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. DOGGETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. WILLIAM H. HARTER

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

Mr. SHUSTER. Mr. Speaker, I rise today to welcome our guest chaplain, the Reverend Dr. William H. Harter from the Presbyterian Church of Falling Spring in Chambersburg, Pennsylvania. Reverend Harter is a graduate of Williams College, Williamstown, Massachusetts, and received his master's in education in the social sciences from Harvard University. In addition to his extensive graduate study, he received a Ph.D. in the New Testament from the Union Theological Seminary in New York City.

Dr. Harter ministered to the Catskill Mountains community in New York from 1967 to 1977, before becoming minister of the Presbyterian Church of Falling Spring in Chambersburg.

In 1977, Dr. Harter and his wife Linda, herself an ordained Presbyterian minister, settled in Chambersburg and have been active members of the community. Not only is Dr. Harter committed to the religious development of his church, he has been active in many organizations, including those devoted to helping the homeless and troubled teenagers, and has been an elementary basketball coach. He is also the current president of the Chambersburg Area United Churches.

In addition to his work in Chambersburg, Dr. Harter has participated in several organizations whose work is focused on Jewish-Christian relations and Middle Eastern affairs. He has traveled extensively in the Middle East, including 36 trips to Israel.

Dr. Harter and his wife are the proud parents of five children and the grandparents of five grandsons. The Harters have been a part of the Chambersburg community for many years, and it is an honor for me to welcome him here to the House of Representatives, and I thank him for his continued dedication to his church, his community, and his country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes on each side.

Printed on recycled paper.

NATURAL GAS CONSERVATION

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

Mr. SHIMKUS. Mr. Speaker, demand for natural gas is expected to rise by as much as 50 percent over the next 25 years. Currently the Nation's inventory of natural gas lags behind past inventories of the popular fuel, and rising demand illustrates the need for consumers to become mindful of energy use.

During a press conference yesterday, Secretary Abraham unveiled the Department's new energy saver Web site, www.energysavers.gov. From tips on insulating a home, to heating and cooling, to buying new windows, the Web site serves as a consumer resource to start cutting home energy prices.

In addition, a number of energy associations such as the Alliance to Save Energy, the American Public Power Association, the American Gas Association and the Edison Electric Institute have teamed up with the Department to further educate their members and consumers in methods to help save electricity and in turn positively affect our Nation's natural gas supply situation.

I encourage my constituents, as well as Members, to review this material on this Web site as it provides a number of useful tips for consumers to begin to reduce their energy use and in turn lower their annual costs as we work to address the supply needs for this country.

WHY DID THE U.S. GO TO WAR AGAINST IRAQ?

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

Mr. KUCINICH. Mr. Speaker, why did the U.S. go to war against Iraq? The day after 9/11, according to this book, Secretary Rumsfeld raised the possibility that the administration could take advantage of the opportunity offered by the terrorist attacks to go after Saddam immediately. This, even though there was no evidence connecting Iraq to 9/11.

Why did the U.S. go to war against Iraq? On September 18, 2002, Mr. Rumsfeld told Congress, ''Hussein has at this moment stockpiles of chemical and biological weapons and is pursuing nuclear weapons.'' There was no evidence of that either.

Why did the U.S. go to war against Iraq? Yesterday Mr. Rumsfeld told Congress it was not because we had discovered dramatic new evidence of Iraq's pursuit of weapons of mass destruction. ''We acted because we saw the evidence in a dramatic new light through the prism of our experience on 9/11.''

Why did the U.S. go to war against Iraq? 9/11 was an excuse, no imminent threat, no weapons of mass destruction.

Now, the administration keeps changing its story, but they cannot change the facts. They led this Nation into war against a Nation that had not attacked us, that had no intention or capability of attacking us. Congress must hold public hearings because the truth and our democracy is at stake.

CONGRATULATING MERCY HOSPITAL AND RECOGNIZING TERESA A. ZUBIZARRETA

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate Mercy Hospital, located in my congressional district, for its recent fund-raiser to help the destitute.

I would also like to recognize Teresa A. Zubizarreta, Zubi, the 2003 Mercy Foundation Gala honoree. Zubi is a beautiful example of someone who has overcome tremendous adversity to achieve the American dream.

After fleeing the horrors of the Castro regime in 1960, Zubi has risen to own one of the most successful advertising agencies in our country. As president of Zubi Advertising, one of the Nation's top five Hispanic advertising agencies, she serves as an inspiration to Hispanic women as to what one can accomplish through hard work and unwavering dedication.

I encourage my colleagues to join me in thanking Teresa Zubizarreta and the Mercy Foundation for their profound contributions to our south Florida community.

PROVIDING A CHILD TAX CREDIT

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

Mr. EMANUEL. Mr. Speaker, in yesterday's testimony, Secretary of Defense Donald Rumsfeld noted that our reconstruction costs, providing health care, education, transportation and housing needs in Iraq have cost the American taxpayers $2.3 billion, and projected over the year, $2.3 billion, that is equal to the amount we could provide in a child tax credit to the 12 million children, the 6½ million Americans who were left out of the tax cut the last time we provided a tax cut.

In the middle of July, the first set of tax cuts will begin to hit the mailboxes all over America, and yet 12 million children of American families, 6½ million families of working parents who get up every day to provide for their children and do right will not get a tax cut. Now we are going to be providing the same amount of dollars for Iraq's reconstruction, for their housing, their health care, their education, for their children's future.

I would hope that before we go home for our August break and our summer break to be with our families, our constituents and our neighbors that we would provide these working American families the same types of educational opportunities, the same type of economic security, that tax cut and an economic interest we are providing Iraq.

MEDICAL LIABILITY REFORM IS IN PERIL

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

Mr. BURGESS. Mr. Speaker, I rise today with a great concern about a development that occurred here on the Hill. Yesterday the failure to close debate on medical liability reform, the important legislation that this body passed in March to address this crisis, is in peril.

The House passed H.R. 5 to control the unsustainable medical liability premium increases and preserve patient access to important medical specialists. Based on a 1975 California law that has held down premium increases in that State, H.R. 5 would place a cap on noneconomic damages in medical liability cases.

This bill would not limit access to the courthouse. This bill would not limit damages to those who have been injured by negligent actions. This bill would not reward bad doctors. This bill would not protect HMOs.

This bill will increase access to important specialists such as neurosurgeons, perionatologists and trauma surgeons. This bill will return a degree of sanity to a system that now resembles a Las Vegas gaming device.

Today the trauma network in the Dallas-Fort Worth area is on the brink of crisis as good doctors are driven from the practice by increasing liability premiums. Mr. Speaker, how could they do that?

WHY ARE PEOPLE CONTINUING TO DIE IN IRAQ?

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

Mr. MCDERMOTT. Mr. Speaker, on May 1, the Commander in Chief of the United States military forces declared the war was over. Since that day, 65 people have died. The last three who died were Craig Boling, Elkhart, Indiana; Barry Sanford, Aurora, Colorado; Robert McKinley, Kokomo, Indiana.

Huge questions have arisen about whether we were misled about this war. In Great Britain, the Prime Minister, Mr. Blair, faced 2 hours of questioning by the British Parliament. It is time for this Congress to have a bipartisan select committee to look into the reasons why we are in Iraq and why people continue to die there.

□ 1015

We must not let them be forgotten, as they were in my era of the Vietnam

War. There is a wall with 50,000-some people on it. Their names were never read on the floor. They ought to be read here and not forgotten.

LOCAL HEROES

(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, as the American people saw on national television this morning, the Indiana flood of 2003 moves forward at a heartbreaking, record-setting pace. The St. Mary's River in Decatur, Indiana, crested last night at nearly 28 feet, an all-time historic high for that river, and the Wabash River as well. But because of the work of local heroes, like Decatur Mayor Fred Isch, Fire Chief David Brinneman, State Police Master Sergeant Rodger Popplewell, and National Guard Unit Leader Sergeant Mike Hiester, thousands of volunteers filled more than 176,000 sandbags in Decatur, Indiana, alone. And when the St. Mary's River crested, it did not break the levee.

There are so many to be commended, but I remember two in particular, Decatur Police Officer Mark Cook, who organized the sandbag filling at the Wal-Mart parking lot, and even 13-year-old Melanie Vergary, who went out and worked and stuffed bags.

The Chaplain said today, ''unless the Lord watches over the city.'' Surely, Mr. Speaker, we would ask the Lord to watch over this city and all the cities in Indiana affected by the flood of 2003 and all those who labored to protect it.

LABOR-HHS BILL SHORTCHANGES NO CHILD LEFT BEHIND

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

Mr. ETHERIDGE. Mr. Speaker, today this House will consider the appropriations bill for education. As the only former State schools chief serving in Congress, I think I know better than anyone the impact education cuts can have on teachers, our students, our schools, and the future of this great country. This bill contains Draconian education cuts.

Last Congress I voted to pass the bipartisan No Child Left Behind Act for education reform. I supported it because the President and the Republican leadership promised to provide the funding needed to make this reform work. But today's bill shatters that promise by cutting $8 billion below the authorization level of this new law. Educational cuts of this magnitude will devastate morale in our schools and doom our children to an educational system that is designed to fail. Our children and our schools deserve better.

I have introduced legislation to require full funding of the No Child Left Behind bill, and I urge my colleagues to join me in support of this bill and vote against this appropriation bill.

LAW NEEDED TO BAN CLONING

(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 scientists in a lab in Chicago took a female human embryo and injected into it cells from a male human embryo, creating what they called a mixed-sex embryo.

In the name of progress, some scientists are pushing the limits of medical ethics with their experimentation and toying with human life, and this is what happened in Chicago last week. But the fact that it happened opens the door to even further laboratory experiments in manufacturing human life.

The effect of unethical research is that it turns human life into a commodity to be bought and sold to the highest bidder or to the most advanced laboratory. The more scientists do this type of experimentation, the more likely we will face a situation described in science fiction books where humans are mass produced in laboratories. We should not go down that road.

What can Congress do about it? We can start by sending the President a cloning ban to sign into law. The other thing we can do is to fund good ethical research.

INDEPENDENT COMMISSION/ SPECIAL PROSECUTOR NEEDED

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, two more soldiers, as reported by national news, lost their lives in Iraq this morning. The war continues.

Yesterday, the Secretary of Defense said to the United States Senate, as reported in the Los Angeles Times, ''Defense Secretary Donald H. Rumsfeld said yesterday that the United States' decision to go to war with Iraq was based not on the evidence that Saddam Hussein's regime had chemical, biological, or nuclear weapons, but on old evidence reinterpreted in the wake of September 11, 2001.''

Mr. Speaker, what was told to the American people is that we were to be under imminent attack by Saddam Hussein. What was told to the American people was that we were in the line of fire. Mr. Speaker, I believe it is imperative that an independent commission and a special prosecutor be set up, and I believe that it is not frivolous for us to address the question of why the President of the United States addressed this body and suggested there was uranium being bought from Niger on the continent of Africa.

I believe the American people need the truth. More importantly, I believe the mothers and fathers who have lost their sons and daughters need the truth. We have a responsibility to the American people—tell the truth!

THE JOURNAL

The SPEAKER pro tempore (Mr. SIMMONS). 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.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 341, nays 64, answered ''present'' 1, not voting 28, as follows:

[Roll No. 346]

YEAS—341

Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baker
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 (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cox
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Flake
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
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
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
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
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 (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
Stearns
Stenholm
Sullivan
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—64

Abercrombie
Aderholt
Allen
Baird
Baldwin
Brady (PA)
Brown (OH)
Capuano
Carson (OK)
Cooper
Costello
Crane
DeFazio
English
Everett
Filner
Gutknecht
Hart
Hefley
Hinchey
Holt
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
Majette
Markey
Matheson
McDermott
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Pelosi
Peterson (MN)
Platts
Ramstad
Sabo
Shadegg
Slaughter
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—28

Burton (IN)
Clay
Cramer
Cubin
Dingell
Edwards
Fattah
Fletcher
Fossella
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hyde
McGovern
Millender-McDonald
Murtha
Owens
Oxley
Paul
Peterson (PA)
Rangel
Towns
Walsh
Waters
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1043

So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–195) on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was 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.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL

Mr. OBEY. Mr. Speaker, I ask unanimous consent that during debate on H.R. 2660, I may be allowed to revise and extend my remarks, and insert extraneous and tabular material in one instance immediately after my initial statement on the bill.

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

There was no objection.

□ 1045

GENERAL LEAVE

Mr. REGULA. 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. 2660, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to House Resolution 312 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. 2660.

□ 1046

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. 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, with Mr. LATOURETTE 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.

Pursuant to the order of the House of Wednesday, July 9, 2003, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 1½ hours.

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

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

Many of my colleagues have asked, will we finish today, and I can only answer that by saying we can if everybody works at it, and if we do not get too many delays, I think we can get this bill done in good time.

The Constitution says that the objective of government, or at least this is what we interpret it to be, is twofold. One is to provide for the common defense, and we did that earlier this week; we provided for the common defense. The other is to provide for the common welfare of the people, 280 million Americans. Today, in this bill, we have a unique and, I think, very good opportunity to achieve that goal. Maybe not perfectly, but certainly a lot of very positive things are in this bill.

First of all, I want to say that the members of the subcommittee were all very cooperative, all very helpful. We worked together in the subcommittee listening to a lot of testimony. We tried to put together a bill that represents the aspirations of the American people, not totally to the satisfaction of everyone, but certainly I think one that covers a lot of very positive parts. I also want to commend the staff members of both the minority and the majority. We have an excellent staff on this subcommittee; and if it were not for their effort, we would not be here today.

I am pleased to present before the House today the fiscal year 2004 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies. When we reflect on that, we think of the broad jurisdiction and responsibility which that entails: Labor, Health and Human Services, Education, and Related Agencies.

In crafting this bill, we have taken into consideration the priorities of the President, as well as the Members of the House. We have been attentive to the priorities of Congress as set by the budget resolution, and we are appreciative of the work of the leaders of the House and the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), in

working with the administration to develop a workable allocation for this bill.

My colleagues on the subcommittee know that I call our subcommittee the Love Your Neighbor Committee, because it provides the funding that touches so many lives and provides a helping hand to those in need in this great country. There would not be one American that is not affected by what is in this bill in some part, whether it is education, whether it is health care, whether it is retraining for a new job—a whole host of good things that are done in this piece of legislation.

The bill provides $138 billion in discretionary budget authority. This represents a 2.7 percent increase over fiscal year 2003. We have tried to be restrained and yet meet the needs, and this is really probably a little lower than the rate of inflation. The level of growth in the bill is commensurate with the current level of growth in our economy. It is a responsible and balanced bill.

The bill focuses priority spending for education in three important areas, including Title I, education funding for disadvantaged children, special education, and reading programs. Education programs overall are increased by $2.3 billion over last year, for a total of $55.4 billion. I would point out that this means that in the last 8 years we have doubled what is being spent on education.

Funding for the Department of Health and Human Services totals $61.2 billion, including $4.55 billion for the Centers for Disease Control and Prevention, and we all know from the news that this is a very important function; and $27.664 billion for the National Institutes of Health to continue our research into treatments for disease.

The Department of Labor is funded at $11.7 billion, which includes funding of $1.46 billion for dislocated worker assistance, and $1.5 billion for the Job Corps program. This is a very important program. I just testified before the International Trade Commission that in Ohio alone, we lost over 90,000 manufacturing jobs in the last couple of years, and that retraining becomes extremely important in the lives of those individuals. They do not want welfare; they want jobs. They want an opportunity to get a new skill.

Mr. Chairman, Federal education spending has more than doubled since fiscal year 1996 when our investment totaled $23 billion, to today with the Federal education funding reaching $55.4 billion. This funding is significant and we must be cautious in our funding priorities to ensure that these dollars go to programs most directly improving our children's education.

As my colleagues know, the bill provides the funding necessary to implement the historic No Child Left Behind Act, which passed this Chamber with strong bipartisan support. The law sets high goals for ensuring that every child in our Nation will know how to read by the third grade and establishes important programs to aid in achieving this goal. To carry out this mission, we have provided a $666 million increase in Title I funding for disadvantaged children, bringing the total funding of title I to $12.35 billion. Together with the funding we are providing today and the accountability provisions included in the No Child Left Behind Act, these dollars can make a real difference in the quality of education for every child.

I want to mention at this point that our Committee on Education and the Workforce is working hard to look at the laws to ensure that they are effective, that they work better prospectively. It is not just a matter of putting money into these various activities, but it is a matter of putting the money in and using it carefully. I think the Committee on Education and the Workforce deserves a lot of credit for trying to meet that goal.

In addition to the Title I program, the No Child Left Behind Act creates new reading programs to assist school districts in meeting the challenge of ensuring that every child can read through scientifically based methods. These programs will assist parents, teachers, and school districts in meeting the reading challenges of our children. We provide over $1 billion for these programs.

I would say one of the things that causes me concern is the dropout rate in our big cities. They do not start in the 9th grade or the 10th grade to drop out. If we are to lower the dropout rate, one of the elements of that is getting every child able to read. I think many times high school dropouts result from the fact that they have not been well grounded in reading, and we recognize that in our funding.

Many of my colleagues speak to me about the financial demands of special education programs in their local school districts. We also hear from parents about the need to support adequate special education funding to ensure that their special needs children may receive a quality education. It is a wonderful thing about America; we are concerned for everyone, and this bill reflects that. With the inclusion of an additional $1 billion for special education in this bill, the program is now funded at nearly $10 billion. This figure represents a nearly 300 percent increase in the program since fiscal year 1996, three times as much. Clearly, we are all committed to addressing the needs of our children with special education needs.

I am a believer that no child will be left behind if we can ensure that there is a quality teacher in every classroom in our Nation. Funding for Title II—Preparing, Training, and Recruiting High-Quality Teachers and Principals under the No Child Left Behind Act is a critical component to achieving this goal.

We provide the following funding to encourage people to enter the field of teaching and strengthen the skills of those already there. I am sure if I ask the Members, all of my colleagues have had a teacher or maybe two or three teachers who made a difference in their lives, and we want to be sure that every child has a good teacher in every classroom.

We include $2.93 billion for the State teacher-training block grant, giving the States money to improve their teacher-training programs; $90 million for the teacher-quality enhancement grants; $150 million for math and science partnerships that will allow universities and local education agencies to partner to improve the quality of their math and science programs, and this really is a very critical need; $49.4 million for the Transition to Teaching program to assist in recruiting mid-career professionals into the field of teaching. There are people out there who say, there must be more than what I am doing and they want to be teachers. They want to contribute. And we want to help them through this program.

Mr. Chairman, there is $20 million for the Troops to Teachers program. For those that are not familiar with this program, we encourage those people in the armed services that are leaving, maybe they are 42 or 43 years old, and we encourage them to go into teaching to help fill the gaps because they have travel experience, they have experience in managing people, and this program has proven very successful. I think last year the Teacher of the Year was an individual who had been brought into the field as a retired member of military. So we encourage that program. Many of my colleagues may already know that First Lady Laura Bush supports the Troops to Teachers program with visits to our military bases to inform our troops about the opportunity to enter the field of teaching upon the completion of their military service. With maturity, training in mathematics or science, and assistance in appropriate courses for teaching, members of our Armed Forces make outstanding classroom teachers in fields where we are currently experiencing a teacher shortage. I might say the First Lady is very important in this effort because having her, when she visits military bases, encourage individuals to consider this is a very effective part of the program.

We have restored funding to programs important to our Members, including the popular 21st Century Learning Communities program for after-school programs for students, which is funded at $1 billion, and for rural education at $170 million. In other words, it gives the young people an opportunity to acquire skills or to participate in athletics between the hours of 3 to 6 or 7 p.m., an opportunity to use this time usefully.

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And we have strong support for this from YMCAs, Boys and Girls Clubs, a

whole host of these groups that do provide this kind of service. We have restored funding to programs important to our members.

Impact Aid provides funding to school districts that have Federal facilities, including military facilities, within their jurisdictions and is increased by $50 million to $1.238 billion. We have asked our troops, many of them leave their families to go overseas to protect American interests, and I think it is essential that we give their children a good educational opportunity. That is what we do with Impact Aid and that is why the increase.

Charter schools provide an alternative to students in failing schools, and we have included $220 million in charter school grants and $25.8 for the charter school facilities. We have funded the Head Start program at the President's budget request of $6.8 billion, an increase of $148 million. This funding level will provide for current service levels for the program and ensure that quality improvements and training elements are fully implemented. And, again, the Committee on Education and the Workforce is taking a look at this existing law with the thought of making it even better.

Students who have no experience in higher education benefit from the TRIO and GEAR UP programs. These programs assist students in preparing for higher education through proper course selection, mentoring and even tutoring services. TRIO receives $835 million and GEAR UP $300 million in the bill. What this means is that students who might not have thought about going on to higher education are encouraged to do so by others in the community. Many times volunteers will work in these programs. And, again, that is part of the American way of giving more opportunity.

College costs continue to rise and the cost of higher education today continues to be an impediment to many students. Pell grants play an important role in helping low-income students achieve their education goals. A larger-than-expected demand on these grants has occurred as a result of our slow economy, causing many people who have previously been in the workforce to seek additional training in an academic environment, which is a very positive thing. Therefore, the bill continues to support a maximum Pell grant level of $4,050 while also including funding of $12.250 billion, an increase of $885 million over last year to address the shortfall in addressing the funding needs of students.

There is a book that talks about how the GI Bill has made a very great impact on this Nation in terms of elevating educational opportunities and, again, this Pell grant has a similar impact. It gives students an opportunity who might not otherwise get a crack at a higher education. That does not have to be academic at the sense of a university college. It can be a trade school. It can be a vocational school, a technical institute; but it does provide opportunity for those at all levels of our economic scale.

Health and Human Services. There is little more precious to each of us than our good health. I believe that when you have good health you have it all or at least a good part of it. Unfortunately, this is not the case for many Americans, and it is through the agencies and programs of the Department of Health and Human Services that we assist others to improve their health. I wish all of you could sit in our hearings and see a row of wheelchairs with people with health problems and hear testimony from those who have various kinds of afflictions. It will make you realize how fortunate you are if you have good health and how important it is that we, as a society, try to ensure that everybody has this kind of opportunity, and that is one of the things this bill does.

In fiscal year 2003 we completed a 5-year effort to double the funding of the National Institutes of Health, and this was a bipartisan effort; but it made a vast improvement or vast opportunity for NIH to reach out much further than they would have otherwise. Through the work of NIH scientists and extramural scientists at universities across the country, we have been able to conduct important research to understand who we are through the Human Genome Project, how to treat once-deadly diseases and that many life-threatening diseases are actually preventable. After accounting for one-time costs for fiscal year 2003, NIH will have an additional $1.7 billion for medical research in this bill.

One of the pieces of testimony that really stuck with me was NIH said that every 5 years life expectancy goes up a year. That is an enormous achievement when you think about it. A baby born today will have a possible 10 or 15 years of additional life. We hope it is a quality life as a result of the commitment of this body, again, a bipartisan commitment, to do the research, to deal with these troubling diseases that afflict us. I was also struck when they testified that there are 6,000 identifiable diseases and medical conditions that can possibly afflict people. So you can see why it is so important that we continue the funding. And, basically, because we have funded building programs in the past, we have not had to do that so much in this bill so that the real increase is about 6 percent for the research programs.

All the information and advances we have gained from NIH, however, will be useless without a way to communicate this information to health care providers and individuals, those most directly responsible for their own health. Thus, the work of the Centers for Disease Control and Prevention is critical to improving our health. We call upon the CDC to put into practice medical advances through numerous conflicting disease and prevention programs. Further, we call upon the CDC and its infectious disease experts to act as our first line of defense, such as Severe Acute Respiratory Syndrome, SARS, which you have heard a lot about lately, and West Nile Virus. In our changed world we must call upon CDC to protect us from diseases that may come to us intentionally through terrorist attacks—bioterrorism, radiological and chemical attacks. Given these tremendous demands on the CDC, we have provided the agency with $4.55 billion. That is a $57 million increase over last year.

Total CDC funding for the Global AIDS Initiative is $243 million. Within this level, we have been responsive to the President's request to fund his new Global HIV/AIDS Mother and Child Prevention Initiative at $100 million. Through this important initiative, thousands of children across the African continent may be protected against HIV transmission from their mothers. What a great contribution. The President, of course, is talking about this when he is in Africa this week.

The Public Health and Social Services Emergency Fund was established following the tragic events of September 11. It is through this fund that we are attempting to build a seamless system for delivering important safety information and protecting the American people. The fund includes support to the CDC and through it our State and local health departments, as well as other agencies and the Department of Health and Human Services to ensure protections from all levels of government. This year we are providing over $1.7 billion to the funds.

I might say it is a goal of this subcommittee to make the health care preventative delivery system seamless so the Centers for Disease Control, the State health agencies, the local health agencies, city and county, are in complete communication and that the whole process is seamless. This is very important in terms of delivering services, and it is important in terms of our national security.

Funding for community health centers is $1.627 billion. This represents a $122.3 million increase over last year as we provide funding for the third year of the President's proposed expansion of health services to people who are underinsured or have no health benefits at all. And this is a very important element, again, of our communities, a lot of volunteers that participate. It frees up the emergency rooms because people have another alternative place to go, and it provides some measure of help to those who can ill afford to pay for a doctor or pay for health care services. I think these community health programs are extremely important, and we have reflected that in our funding, and I am sure many of you have those in your own community.

Children's hospitals across the Nation are the training grounds for our pediatricians. The bill provides $305 million to train these important care

givers. The Medicare system takes care of the education for the conventional MD programs but not for pediatricians or OB–GYNs. And what we do is give the children's hospitals financial assistance so they in turn too can provide the same level of education for the pediatricians. We all know that the early years are the most important in a child's life. And I think this is an extremely important program.

The Ryan White AIDS program is funded at $2 billion, an increase of $24 million. An important portion of this funding assists those who are infected with the virus in receiving vital medications through the Drug Assistance Program.

This year the administration sought congressional support for a new substance abuse treatment program called Access to Recovery through the use of a State voucher system. We have responded to this request with $100 million and are eager to work with the administration as they develop a program to serve people in great need. It will be another tool, but we want the administration to do a pilot project to work out how this can be done effectively. They have requested somewhat more money than that, but I think $100 million will go a long way. And if it proves as effective as we think it could, the next year will be another time to look at it.

Additional support of the President's initiatives in this bill include faith-based programs—the Compassion Capital Fund at $50 million, and the Mentoring of Children of Prisoners at $25 million, I suspect a somewhat forgotten group. But those children will be citizens tomorrow too, and we should give them a chance even though maybe one of their parents is incarcerated for some reason.

Programs to support abstinence programs for young people will receive $10 million increase for a total of $65 million in this bill.

LIHEAP is an important safety net providing financial assistance to low-income people who struggle with paying their heating and cooling bills. These funds are distributed to the States through the formula grant program, and we have retained the funding level for these grants at the fiscal year 2003 level of $1.7 billion. To assist people in the event of a particularly severe heating or cooling season, we provide $100 million in emergency funds. These funds may be released to the State at the discretion of the President.

The Department of Labor has jurisdiction over many important worker training and protection programs; therefore, we have restored funding to core job training and employment assistance programs to the fiscal year 2003 level. As a number of communities continue to experience plant closings and other layoffs, we understand the need to support dislocated worker-training programs that can assist workers to return to the workforce. Funding for this program is $1.155 billion, the same as in fiscal year 2003, an increase of $78 million over the budget request. This is one where we feel that this is so important that we want to add more than requested in the President's budget. And if you have ever been to one of these job opportunity locations in your district, you realize how vitally important this is to those that are laid off. It gives them hope, hope that there may be a new job available, hope that they can take care of their families, hope that they can get health care. It is vitally important.

The Job Corps program provides a second chance to young people to develop a skill for the 21st century workforce. As we all know, the mix is different than it used to be in the job market. Many people who enroll in Job Corps centers never completed their high school education, and many have other problems that make holding a job very difficult. A second chance. I like that, second chance. Everybody should have a second chance at training, giving hope to these workers; and it makes them productive members of our society. Funding for Job Corps is $1.5 billion. This is an increase of $28 million.

Worker protection programs, including OSHA and MSHA, are funded at the President's budget request.

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Related agencies. While agencies such as the Social Security Administration and the Centers for Medicare and Medicaid Services, CMS, receive their funding from the mandatory spending side, this bill provides the administrative costs for these agencies. Effective administration of these agencies ensures efficient service to recipients. We have included a 6.1 percent increase in the funding for the Social Security Administration to improve service delivery of benefits and accelerate the time it takes to process disability claims.

I am sure all of us have experienced a call from someone who has a disability claim and says, why can I not get this taken care of? We recognize that, and we are saying let us put more people so they can be handled promptly. Otherwise they are left without any means of providing a living. So we have given a 6.1 percent increase.

The Institute of Museum and Library Services provides funding to our Nation's public libraries and provides grants for library and museum projects. Funding totals $238 million, including funds for the second year of a program to recruit and educate librarians. Libraries are the windows to the world and a place of inspiration for many individuals.

Mr. Chairman, the programs and funding levels I have described represent the good neighbor in all of us as a Nation, as a people. We have tried to use our allocation to fund our highest priorities and to reduce the growth in this bill. It is fair, it is balanced, and I think it will serve the people well, and I urge my colleagues to support it.

At this time, Mr. Chairman, I will submit a detailed table of the bill into the RECORD.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	186,778	188,000	188,000	+1,222	---
Advance from prior year	(707,372)	(712,000)	(712,000)	(+4,628)	---
FY 2005	712,000	712,000	712,000	---	---
Adult Training	898,778	900,000	900,000	+1,222	---
Youth Training	994,459	1,000,965	1,000,965	+6,506	---
Dislocated Worker Assistance, current year	307,152	258,432	307,152	---	+48,720
Advance from prior year	(842,488)	(848,000)	(848,000)	(+5,512)	---
FY 2005	848,000	848,000	848,000	---	---
Dislocated Worker Assistance	1,155,152	1,106,432	1,155,152	---	+48,720
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	93,993	64,608	93,993	---	+29,385
Advance from prior year	(210,622)	(212,000)	(212,000)	(+1,378)	---
FY 2005	212,000	212,000	212,000	---	---
Dislocated Worker Assistance Nat'l Reserve	305,993	276,608	305,993	---	+29,385
Total, Dislocated Worker Assistance	1,461,145	1,383,040	1,461,145	---	+78,105
Native Americans	55,636	55,000	55,000	-636	---
Migrant and Seasonal Farmworkers	76,823	---	59,600	-17,223	+59,600
Job Corps:					
Operations	794,800	844,667	820,000	+25,200	-24,667
Advance from prior year	(587,158)	(591,000)	(591,000)	(+3,842)	---
FY 2005	591,000	591,000	591,000	---	---
Construction and Renovation	27,371	30,216	30,216	+2,845	---
Advance from prior year	(99,350)	(100,000)	(100,000)	(+650)	---
FY 2005	100,000	100,000	100,000	---	---
Subtotal, Job Corps, program level	1,513,171	1,565,883	1,541,216	+28,045	-24,667
National Activities:					
Pilots, Demonstrations and Research	75,855	35,000	46,615	-29,240	+11,615
Responsible Reintegration of Youthful Offender	54,642	---	---	-54,642	---
Evaluation	9,039	9,098	9,098	+59	---
Youth Opportunity Grants	44,211	---	---	-44,211	---
Other	15,409	3,000	3,400	-12,009	+400
Subtotal, National activities	199,156	47,098	59,113	-140,043	+12,015
Subtotal, Federal activities	2,150,779	1,944,589	2,020,922	-129,857	+76,333
Current Year	1,247,779	1,041,589	1,117,922	-129,857	+76,333
FY 2005	903,000	903,000	903,000	---	---
Total, Workforce Investment Act	5,199,168	4,951,986	5,077,039	-122,129	+125,053
Current Year	2,736,168	2,488,986	2,614,039	-122,129	+125,053
FY 2005	2,463,000	2,463,000	2,463,000	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Women in Apprenticeship	993	---	---	-993	---
Subtotal, National activities, TES	200,149	47,098	59,113	-141,036	+12,015
Total, Training and Employment Services	5,200,161	4,951,986	5,077,039	-123,122	+125,053
Current Year	(2,737,161)	(2,488,986)	(2,614,039)	(-123,122)	(+125,053)
FY 2005	(2,463,000)	(2,463,000)	(2,463,000)	---	---
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	442,306	440,200	440,200	-2,106	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	972,200	1,338,200	1,338,200	+366,000	---
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations	2,624,318	2,640,002	2,624,318	---	-15,684
National Activities	9,935	10,500	9,935	---	-565
Subtotal, Unemployment Compensation	2,634,253	2,650,502	2,634,253	---	-16,249
Employment Service:					
Allotments to States:					
Federal Funds	23,300	23,452	23,300	---	-152
Trust Funds	768,257	773,283	768,257	---	-5,026
Subtotal	791,557	796,735	791,557	---	-5,178
ES National Activities	50,351	78,546	70,351	+20,000	-8,195
Subtotal, Employment Service	841,908	875,281	861,908	+20,000	-13,373
Federal Funds	23,300	23,452	23,300	---	-152
Trust Funds	818,608	851,829	838,608	+20,000	-13,221
One-Stop Career Centers/Labor Market Information	99,350	101,000	99,350	---	-1,650
Work Incentives Grants	19,870	20,000	19,870	---	-130
Total, State Unemployment & Employment Srvcs	3,595,381	3,646,783	3,615,381	+20,000	-31,402
Federal Funds	142,520	144,452	142,520	---	-1,932
Trust Funds	3,452,861	3,502,331	3,472,861	+20,000	-29,470
ADVANCES TO THE UI AND OTHER TRUST FUNDS 1/	463,000	467,000	467,000	+4,000	---
PROGRAM ADMINISTRATION					
Adult Employment and Training	42,326	38,700	38,700	-3,626	---
Trust Funds	4,243	6,854	6,854	+2,611	---
Youth Employment and Training	38,691	39,333	39,333	+642	---
Employment Security	6,009	5,997	5,997	-12	---
Trust Funds	47,596	58,634	47,596	---	-11,038
Apprenticeship Services	20,699	20,932	20,932	+233	---
Executive Direction	8,230	8,469	8,469	+239	---
Trust Funds	2,037	2,053	2,053	+16	---
Welfare to Work	4,680	2,393	2,393	-2,287	---
Total, Program Administration	174,511	183,365	172,327	-2,184	-11,038
Federal Funds	120,635	115,824	115,824	-4,811	---
Trust Funds	53,876	67,541	56,503	+2,627	-11,038
Total, Employment and Training Administration	10,847,559	11,027,534	11,110,147	+262,588	+82,613
Federal Funds	7,340,822	7,457,662	7,580,783	+239,961	+123,121
Current Year	(4,877,822)	(4,994,662)	(5,117,783)	(+239,961)	(+123,121)
FY 2005	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust Funds	3,506,737	3,569,872	3,529,364	+22,627	-40,508

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
EMPLOYEE BENEFITS SECURITY ADMINISTRATION					
Enforcement and Compliance	91,526	106,679	106,679	+15,153	---
Policy, Regulation and Public Service	20,441	17,385	17,385	-3,056	---
Program Oversight	4,316	4,541	4,541	+225	---
Total, EBSA	116,283	128,605	128,605	+12,322	---
PENSION BENEFIT GUARANTY CORPORATION					
Program Adm. subject to limitation (TF)	12,965	16,553	16,553	+3,588	---
Termination services not subject to limitation (NA)	(179,844)	(212,219)	(212,219)	(+32,375)	---
Total, PBGC	12,965	16,553	16,553	+3,588	---
Total, PBGC (Program level)	(192,809)	(228,772)	(228,772)	(+35,963)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	155,867	161,294	161,294	+5,427	---
Office of Labor-Management Standards	34,279	40,631	40,631	+6,352	---
Federal Contractor EEO Standards Enforcement	78,033	80,043	80,043	+2,010	---
Federal Programs for Workers' Compensation	96,692	98,161	98,161	+1,469	---
Trust Funds	2,016	2,056	2,056	+40	---
Program Direction and Support	14,226	15,568	15,568	+1,342	---
Total, ESA salaries and expenses	381,113	397,753	397,753	+16,640	---
Federal Funds	379,097	395,697	395,697	+16,600	---
Trust Funds	2,016	2,056	2,056	+40	---
SPECIAL BENEFITS					
Federal employees compensation benefits	160,000	160,000	160,000	---	---
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---
Total, Special Benefits	163,000	163,000	163,000	---	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS 2/					
Benefit payments	402,089	390,848	390,848	-11,241	---
Administration	6,088	6,152	6,152	+64	---
Subtotal, Black Lung, FY 2004 program level	408,177	397,000	397,000	-11,177	---
Less funds advanced in prior year	-108,000	-97,000	-97,000	+11,000	---
Total, Black Lung, current request, FY04	300,177	300,000	300,000	-177	---
New advances, 1st quarter FY 2005	97,000	88,000	88,000	-9,000	---
Total, Special Benefits for Disabled Coal Miners	397,177	388,000	388,000	-9,177	---
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND					
Program Benefits	(758,000)	(385,000)	(385,000)	(-373,000)	---
Administrative Expenses	104,867	55,074	55,074	-49,793	---
Total, Energy Emp Occupational Illness Comp Fund	104,867	55,074	55,074	-49,793	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	979,371	986,901	986,901	+7,530	---
Employment Standards Adm. S&E	31,987	32,004	32,004	+17	---
Departmental Management S&E	22,952	23,401	23,401	+449	---
Departmental Management, Inspector General	334	338	338	+4	---
Subtotal, Black Lung Disablty	1,034,644	1,042,644	1,042,644	+8,000	---
Treasury Adm. Costs	356	356	356	---	---
Total, Black Lung Disability Trust Fund	1,035,000	1,043,000	1,043,000	+8,000	---
Total, Employment Standards Administration	2,081,157	2,046,827	2,046,827	-34,330	---
Federal Funds	2,079,141	2,044,771	2,044,771	-34,370	---
Current year	1,982,141	1,956,771	1,956,771	-25,370	---
FY 2005	97,000	88,000	88,000	-9,000	---
Trust Funds	2,016	2,056	2,056	+40	---
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards	16,014	14,497	14,497	-1,517	---
Federal Enforcement	162,973	165,281	165,281	+2,308	---
State Programs	90,547	91,747	91,747	+1,200	---
Technical Support	20,102	21,721	21,721	+1,619	---
Compliance Assistance:					
Federal Assistance	61,321	67,447	67,447	+6,126	---
State Consultation Grants	53,204	52,521	52,521	-683	---
Training Grants	11,102	4,000	4,000	-7,102	---
Subtotal, Compliance Assistance	125,627	123,968	123,968	-1,659	---
Safety and Health Statistics	25,894	22,369	22,369	-3,525	---
Executive Direction and Administration	9,153	10,425	10,425	+1,272	---
Total, OSHA	450,310	450,008	450,008	-302	---
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	118,877	113,424	113,424	-5,453	---
Metal/Non-Metal Enforcement	63,495	66,377	66,377	+2,882	---
Standards Development	2,363	2,301	2,301	-62	---
Assessments	4,854	4,125	4,125	-729	---
Educational Policy and Development	27,733	30,536	30,536	+2,803	---
Technical Support	28,489	24,691	24,691	-3,798	---
Program evaluation and information resources (PEIR)	---	14,168	14,168	+14,168	---
Program Administration	17,210	11,145	11,145	-6,065	---
Mine Mapping	9,935	---	---	-9,935	---
Total, Mine Safety and Health Administration	272,956	266,767	266,767	-6,189	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	147,330	149,605	149,605	+2,275	---
Labor Market Information (Trust Funds)	71,561	75,110	75,110	+3,549	---
Prices and Cost of Living	159,671	167,602	167,602	+7,931	---
Compensation and Working Conditions	75,925	80,169	80,169	+4,244	---
Productivity and Technology	9,860	10,404	10,404	+544	---
Executive Direction and Staff Services	27,886	29,372	29,372	+1,486	---
Total, Bureau of Labor Statistics	492,233	512,262	512,262	+20,029	---
Federal Funds	420,672	437,152	437,152	+16,480	---
Trust Funds	71,561	75,110	75,110	+3,549	---
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Office of Disability Employment Policy	47,178	47,333	47,333	+155	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	26,296	28,260	28,260	+1,964	---
Departmental IT Crosscut	54,642	48,565	48,565	-6,077	---
Departmental Management Crosscut	---	23,500	---	---	-23,500
Legal Services	77,175	81,975	81,975	+4,800	---
Trust Funds	308	317	317	+9	---
International Labor Affairs	147,053	12,270	12,270	-134,783	---
Administration and Management	33,673	32,391	34,391	+718	+2,000
Adjudication	25,306	26,315	26,315	+1,009	---
Women's Bureau	9,608	8,626	9,608	---	+982
Civil Rights Activities	5,930	6,158	6,158	+228	---
Chief Financial Officer	7,850	5,159	5,159	-2,691	---
Total, Salaries and expenses	387,841	273,536	253,018	-134,823	-20,518
Federal Funds	387,533	273,219	252,701	-134,832	-20,518
Trust Funds	308	317	317	+9	---
VETERANS EMPLOYMENT AND TRAINING					
State Administration:					
Grants	---	162,415	162,415	+162,415	---
Disabled Veterans Outreach Program	82,078	---	---	-82,078	---
Local Veterans Employment Program	77,744	---	---	-77,744	---
Subtotal, State Administration	159,822	162,415	162,415	+2,593	---
Federal Administration	27,489	29,028	29,028	+1,539	---
National Veterans Training Institute	---	2,000	2,000	+2,000	---
Homeless Veterans Program	18,131	19,000	19,000	+869	---
Veterans Workforce Investment Programs	7,377	7,550	7,550	+173	---
Total, Veterans Employment and Training	212,819	219,993	219,993	+7,174	---
Federal Funds	25,508	26,550	26,550	+1,042	---
Trust Funds	187,311	193,443	193,443	+6,132	---
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	56,291	60,896	60,896	+4,605	---
Trust Funds	5,561	5,899	5,899	+338	---
Total, Office of the Inspector General	61,852	66,795	66,795	+4,943	---
Federal funds	56,291	60,896	60,896	+4,605	---
Trust funds	5,561	5,899	5,899	+338	---
Total, Departmental Management	662,512	560,324	539,806	-122,706	-20,518
Federal Funds	469,332	360,665	340,147	-129,185	-20,518
Trust Funds	193,180	199,659	199,659	+6,479	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
WORKING CAPITAL FUND					
Working capital fund	---	20,000	18,000	+18,000	-2,000
Total, Title I, Department of Labor	14,983,153	15,076,213	15,136,308	+153,155	+60,095
Federal Funds	11,196,694	11,212,963	11,313,566	+116,872	+100,603
Current Year	(8,636,694)	(8,661,963)	(8,762,566)	(+125,872)	(+100,603)
FY 2005	(2,560,000)	(2,551,000)	(2,551,000)	(-9,000)	---
Trust Funds	3,786,459	3,863,250	3,822,742	+36,283	-40,508

Title I Footnotes:
1/ Two year availability.
2/ Transferred from SSA to DOL (P.L. 107-275).

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Community health centers	1,504,806	1,627,164	1,627,164	+122,358	---
National Health Service Corps:					
Field placements	45,948	45,305	45,948	---	+643
Recruitment	125,140	167,542	125,140	---	-42,402
Subtotal, National Health Service Corps	171,088	212,847	171,088	---	-41,759
Health Professions					
Training for Diversity:					
Centers of excellence	34,088	---	29,718	-4,370	+29,718
Health careers opportunity program	36,152	---	31,548	-4,604	+31,548
Faculty loan repayment	1,321	---	1,171	-150	+1,171
Scholarships for disadvantaged students	47,795	9,900	42,374	-5,421	+32,474
Subtotal, Training for Diversity	119,356	9,900	104,811	-14,545	+94,911
Training in Primary Care Medicine and Dentistry	92,432	---	79,249	-13,183	+79,249
Interdisciplinary Community-Based Linkages:					
Area health education centers	33,141	---	29,382	-3,759	+29,382
Health education and training centers	4,371	---	3,875	-496	+3,875
Allied health and other disciplines	11,922	---	11,922	---	+11,922
Geriatric programs	27,818	---	32,000	+4,182	+32,000
Quentin N. Burdick pgm for rural training	6,954	---	6,165	-789	+6,165
Subtotal, Interdisciplinary Comm. Linkages	84,206	---	83,344	-862	+83,344
Health Professions Workforce Info & Analysis	819	1,000	726	-93	-274
Public Health Workforce Development:					
Public health, preventive med. & dental pgms	10,405	---	9,225	-1,180	+9,225
Health administration programs	1,222	---	1,085	-137	+1,085
Subtotal, Public Health Workforce Development	11,627	---	10,310	-1,317	+10,310
Nursing Programs:					
Advanced Education Nursing	50,174	26,548	50,174	---	+23,626
Nurse education, practice, and retention	26,824	24,202	26,824	---	+2,622
Nursing workforce diversity	9,935	20,564	9,935	---	-10,629
Loan repayment and scholarship program	19,870	26,900	19,870	---	-7,030
Comprehensive geriatric education	2,980	---	2,980	---	+2,980
Nursing faculty loan program	2,980	---	2,980	---	+2,980
Subtotal, Nursing programs	112,763	98,214	112,763	---	+14,549
Subtotal, Health Professions	421,203	109,114	391,203	-30,000	+282,089
Other HRSA Programs:					
Hansen's Disease Services	18,024	17,570	17,570	-454	---
Maternal & Child Health Block Grant	729,965	750,831	732,965	+3,000	-17,866
Abstinence Education	54,642	73,044	65,000	+10,358	-8,044
Healthy Start	98,346	98,729	98,346	---	-383
Universal Newborn Hearing	9,935	---	9,935	---	+9,935
Organ Transplantation	24,828	24,924	24,828	---	-96
Bone Marrow Program	21,891	22,013	22,891	+1,000	+878
Rural outreach grants	58,410	37,752	57,410	-1,000	+19,658
Rural Health Research	10,630	5,984	8,000	-2,630	+2,016
Telehealth	27,686	5,594	27,686	---	+22,092
Rural Hospital Flexibility Grants	39,740	29,921	39,740	---	+9,819
Rural Access to Emergency Devices	12,419	2,009	12,419	---	+10,410
State Offices of Rural Health	8,445	3,990	4,000	-4,445	+10
Denali Commission	27,321	---	---	-27,321	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency medical services for children	19,373	---	19,373	---	+19,373
Poison control	22,354	---	22,354	---	+22,354
Traumatic Brain Injury	9,438	7,479	9,438	---	+1,959
Black lung clinics	5,961	6,000	5,961	---	-39
Trauma Care	3,476	---	3,476	---	+3,476
Payment to Hawaii, treatment of Hansen's	2,032	2,045	2,032	---	-13
Other HRSA programs - Current Year	1,204,916	1,087,885	1,183,424	-21,492	+95,539
Ryan White AIDS Programs:					
Emergency Assistance	618,693	618,881	618,693	---	-188
Comprehensive Care Programs	1,053,393	1,077,027	1,091,344	+37,951	+14,317
AIDS Drug Assistance Program (ADAP) (NA)	(714,326)	(739,000)	(753,317)	(+38,991)	(+14,317)
Early Intervention Program	198,374	193,981	193,981	-4,393	---
Pediatric HIV/AIDS	73,551	70,917	70,917	-2,634	---
AIDS Dental Services	13,405	13,484	13,405	---	-79
Education and Training Centers	35,549	35,259	35,259	-290	---
Subtotal, Ryan White AIDS programs	1,992,965	2,009,549	2,023,599	+30,634	+14,050
Evaluation Tap Funding (NA)	(25,000)	---	---	(-25,000)	---
Subtotal, Ryan White AIDs program level	2,017,965	2,009,549	2,023,599	+5,634	+14,050
Family Planning	273,350	264,808	273,350	---	+8,542
Children's Hospitals Graduate Medical Educ	290,102	199,258	305,000	+14,898	+105,742
Health Care and Other Facilities	294,700	---	---	-294,700	---
Buildings and Facilities	248	250	248	---	-2
Radiation Exposure Compensation Act	1,987	4,006	1,987	---	-2,019
National Practitioner Data Bank	19,500	17,000	19,500	---	+2,500
User Fees	-19,500	-17,000	-19,500	---	-2,500
Health Care Integrity and Protection Data Bank	5,600	4,000	5,600	---	+1,600
User Fees	-5,600	-4,000	-5,600	---	-1,600
Community Access Program	104,317	---	104,317	---	+104,317
State Planning Grants for Health Care Access	14,902	---	14,902	---	+14,902
Program Management	155,974	151,115	155,974	---	+4,859
Total, Health resources and services	6,430,558	5,665,996	6,252,256	-178,302	+586,260
Total, Health resources & services program level	(6,455,558)	(5,665,996)	(6,252,256)	(-203,302)	(+586,260)
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:					
Liquidating account	(7,000)	(4,000)	(7,000)	---	(+3,000)
Program management	3,889	3,389	3,389	-500	---
Total, HEAL	3,889	3,389	3,389	-500	---
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-FY 1988 claims	85,918	66,000	66,000	-19,918	---
HRSA administration	2,972	2,991	3,472	+500	+481
Total, Vaccine Injury Compensation Trust Fund	88,890	68,991	69,472	-19,418	+481
Total, Health Resources and Services Admin	6,523,337	5,738,376	6,325,117	-198,220	+586,741
Total, HRSA program level	(6,555,337)	(5,742,376)	(6,332,117)	(-223,220)	(+589,741)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CENTERS FOR DISEASE CONTROL					
Birth Defects/Developmental Disabilities/Disability and Health	98,040	87,462	106,339	+8,299	+18,877
Chronic Disease Prevention and Health Promotion	789,972	834,047	862,011	+72,039	+27,964
Environmental Health	182,829	150,227	184,829	+2,000	+34,602
Epidemic Services and Response	77,494	76,158	82,494	+5,000	+6,336
Health Statistics	---	72,639	112,673	+112,673	+40,034
Evaluation Tap Funding	(125,899)	(51,982)	(13,226)	(-112,673)	(-38,756)
Subtotal, Program level	125,899	124,621	125,899	---	+1,278
HIV/AIDS, STD and TB Prevention	1,186,388	1,281,176	1,247,388	+61,000	-33,788
Immunization	636,586	620,506	650,586	+14,000	+30,080
Evaluation Tap Funding	(14,000)	---	---	(-14,000)	---
Subtotal, Program level	650,586	620,506	650,586	---	+30,080
Infectious Disease Control	359,225	331,640	382,226	+23,001	+50,586
Injury Prevention and Control	148,414	144,796	152,414	+4,000	+7,618
Occupational Safety and Health 1/	231,485	246,329	273,385	+41,900	+27,056
Evaluation Tap Funding	(41,900)	---	---	(-41,900)	---
Subtotal, Program level	273,385	246,329	273,385	---	+27,056
Preventive Health and Health Services Block Grant	134,089	134,966	134,089	---	-877
Public Health Improvement	124,434	113,677	144,530	+20,096	+30,853
Evaluation Tap Funding	(28,600)	---	---	(-28,600)	---
Subtotal, Program level	153,034	113,677	144,530	-8,504	+30,853
Buildings and Facilities	266,258	114,000	206,000	-60,258	+92,000
Office of the Director	49,426	59,707	49,707	+281	-10,000
Total, Centers for Disease Control	4,284,640	4,267,330	4,588,671	+304,031	+321,341
Evaluation Tap Funding (NA)	(210,399)	(51,982)	(13,226)	(-197,173)	(-38,756)
Total, Centers for Disease Control program level	(4,495,039)	(4,319,312)	(4,601,897)	(+106,858)	(+282,585)
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,592,348	4,770,519	4,770,519	+178,171	---
National Heart, Lung, and Blood Institute	2,793,733	2,867,995	2,867,995	+74,262	---
National Institute of Dental & Craniofacial Research	371,636	382,396	382,396	+10,760	---
National Institute of Diabetes and Digestive and Kidney Diseases	1,622,730	1,670,007	1,670,007	+47,277	---
Juvenile diabetes	(100,000)	(150,000)	(150,000)	(+50,000)	---
Subtotal, NIDDK	1,722,730	1,820,007	1,820,007	+97,277	---
National Institute of Neurological Disorders & Stroke	1,456,476	1,468,926	1,468,926	+12,450	---
National Institute of Allergy and Infectious Diseases	3,606,139	4,235,255	4,235,255	+629,116	---
Global HIV/AIDS Fund Transfer 2/	100,000	100,000	100,000	---	---
Subtotal, NIAID	3,706,139	4,335,255	4,335,255	+629,116	---
National Institute of General Medical Sciences	1,847,000	1,923,133	1,923,133	+76,133	---
National Institute of Child Health & Human Development	1,205,927	1,245,371	1,245,371	+39,444	---
National Eye Institute	633,148	648,299	648,299	+15,151	---
National Institute of Environmental Health Sciences	614,239	630,774	630,774	+16,535	---
National Institute on Aging	993,598	994,411	994,411	+813	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	486,143	502,778	502,778	+16,635	---
National Institute on Deafness and Other Communication Disorders	370,382	380,377	380,377	+9,995	---
National Institute of Nursing Research	130,584	134,579	134,579	+3,995	---
National Institute on Alcohol Abuse and Alcoholism	416,051	430,121	430,121	+14,070	---
National Institute on Drug Abuse	961,721	995,614	995,614	+33,893	---
National Institute of Mental Health	1,341,014	1,382,114	1,382,114	+41,100	---
National Human Genome Research Institute	464,995	478,072	478,072	+13,077	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Institute of Biomedical Imaging and Bioengineering	278,279	282,109	282,109	+3,830	---
National Center for Research Resources	1,138,821	1,053,926	1,053,926	-84,895	---
National Center for Complementary and Alternative Medicine	113,407	116,202	116,202	+2,795	---
National Center on Minority Health and Health Disparities	185,714	192,724	192,724	+7,010	---
John E. Fogarty International Center	63,465	64,266	64,266	+801	---
National Library of Medicine	300,135	316,040	316,040	+15,905	---
Evaluation Tap Funding	(8,200)	---	---	(-8,200)	---
Subtotal, NLM	308,335	316,040	316,040	+7,705	---
Office of the Director	266,232	317,983	317,983	+51,751	---
Buildings and Facilities	628,687	80,000	80,000	-548,687	---
Total, N.I.H. appropriations	26,982,604	27,663,991	27,663,991	+681,387	---
Global HIV/AIDS Fund Transfer	-100,000	-100,000	-100,000	---	---
Evaluation Tap Funding	(8,200)	---	---	(-8,200)	---
Total, N.I.H., Program Level	(26,890,804)	(27,563,991)	(27,563,991)	(+673,187)	---
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES					
Mental Health:					
Programs of Regional and National Significance	244,443	211,757	237,000	-7,443	+25,243
Mental Health Performance Partnership	437,140	433,000	435,000	-2,140	+2,000
Children's Mental Health	98,052	106,694	108,000	+9,948	+1,306
Grants to States for the Homeless (PATH)	43,073	50,055	50,055	+6,982	---
Protection and Advocacy	33,779	32,500	33,870	+91	+1,370
Subtotal, Mental Health	856,487	834,006	863,925	+7,438	+29,919
Substance Abuse Treatment:					
Programs of Regional and National Significance	317,278	556,816	417,278	+100,000	-139,538
Substance Abuse Performance Partnership	1,691,732	1,785,000	1,774,538	+82,806	-10,462
Evaluation Tap Funding	(62,200)	---	---	(-62,200)	---
Subtotal, Substance Abuse Treatment	2,009,010	2,341,816	2,191,816	+182,806	-150,000
Subtotal, Program level	2,071,210	2,341,816	2,191,816	+120,606	-150,000
Substance Abuse Prevention:					
Programs of Regional and National Significance	197,111	148,186	198,000	+889	+49,814
Program Management and Buildings and Facilities	73,983	69,307	75,259	+1,276	+5,952
Evaluation Tap funding (NA)	(12,000)	(16,000)	(16,000)	(+4,000)	---
Subtotal, Program level	85,983	85,307	91,259	+5,276	+5,952
St. Elizabeths	949	---	---	-949	---
Total, Substance Abuse and Mental Health	3,137,540	3,393,315	3,329,000	+191,460	-64,315
Evaluation Tap funding	(74,200)	(16,000)	(16,000)	(-58,200)	---
Total, SAMHS program level	(3,211,740)	(3,409,315)	(3,345,000)	(+133,260)	(-64,315)

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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(247,695)	(221,000)	(245,695)	(-2,000)	(+24,695)
Health Coverage Data Improvement (CPS)	---	(10,000)	---	---	(-10,000)
Portion for reducing medical errors (non-add)	(55,000)	(84,000)	(75,000)	(+20,000)	(-9,000)
Subtotal including Evaluation Tap funds	(247,695)	(221,000)	(245,695)	(-2,000)	(+24,695)
Health Insurance and Expenditure Surveys:					
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(53,300)	(55,300)	(55,300)	(+2,000)	---
Program Support	---	---	---	---	---
Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	---	---
Total, AHRQ	(303,695)	(279,000)	(303,695)	---	(+24,695)
Federal Funds	---	---	---	---	---
Evaluation Tap funding (NA)	(303,695)	(279,000)	(303,695)	---	(+24,695)
Total, Public Health Service appropriation	40,928,121	41,063,012	41,906,779	+978,658	+843,767
Total, Public Health Service program level	(41,456,615)	(41,313,994)	(42,146,700)	(+690,085)	(+832,706)
CENTER FOR MEDICARE AND MEDICAID SERVICES					
GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	148,726,168	166,706,067	172,706,067	+23,979,899	+6,000,000
State and local administration	9,142,049	9,067,320	9,067,320	-74,729	---
Vaccines for Children	823,938	980,196	980,196	+156,258	---
Subtotal, Medicaid program level	158,692,155	176,753,583	182,753,583	+24,061,428	+6,000,000
Less funds advanced in prior year	-46,601,937	-51,861,386	-51,861,386	-5,259,449	---
Total, Grants to States for medicaid	112,090,218	124,892,197	130,892,197	+18,801,979	+6,000,000
New advance, 1st quarter	51,861,386	58,416,275	58,416,275	+6,554,889	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	80,905,000	94,518,000	94,518,000	+13,613,000	---
Hospital insurance for the uninsured	225,000	197,000	197,000	-28,000	---
Federal uninsured payment	168,000	168,000	168,000	---	---
Program management	164,700	201,100	201,100	+36,400	---
Total, Payments to Trust Funds, current law	81,462,700	95,084,100	95,084,100	+13,621,400	---
PROGRAM MANAGEMENT					
Research, Demonstration, Evaluation:					
Regular Program	73,712	63,400	27,918	-45,794	-35,482
Medicare Operations	1,866,680	1,776,889	1,776,889	+110,209	---
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	---	---
Subtotal, Medicare Operations program level	(2,386,680)	(2,496,889)	(2,496,889)	(+110,209)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Revitalization plan	---	65,000	65,000	+65,000	---
State Survey and Certification	252,743	247,647	247,647	-5,096	---
Federal Administration	571,756	580,571	580,571	+8,815	---
Total, Program management, Limitation on new BA.	2,564,891	2,733,507	2,698,025	+133,134	-35,482
Total, Program management, program level	(3,284,891)	(3,453,507)	(3,418,025)	(+133,134)	(-35,482)
Total, Center for Medicare and Medicaid Services	247,979,195	281,126,079	287,090,597	+39,111,402	+5,964,518
Federal funds	245,414,304	278,392,572	284,392,572	+38,978,268	+6,000,000
Current year	(193,552,918)	(219,976,297)	(225,976,297)	(+32,423,379)	(+6,000,000)
New advance, 1st quarter, FY 2005	(51,861,386)	(58,416,275)	(58,416,275)	(+6,554,889)	---
Trust Funds	2,564,891	2,733,507	2,698,025	+133,134	-35,482
ADMINISTRATION FOR CHILDREN AND FAMILIES					
FAMILY SUPPORT PAYMENTS TO STATES					
Payments to territories	23,000	23,000	23,000	---	---
Repatriation	1,000	1,000	1,000	---	---
Subtotal, Welfare payments	24,000	24,000	24,000	---	---
Child Support Enforcement:					
State and local administration	3,541,800	4,035,270	4,035,270	+493,470	---
Federal incentive payments	461,000	454,000	454,000	-7,000	---
Hold Harmless payments	---	---	---	---	---
Access and visitation	10,000	12,000	12,000	+2,000	---
Subtotal, Child Support Enforcement	4,012,800	4,501,270	4,501,270	+488,470	---
Total, Payments, FY 2004 program level	4,036,800	4,525,270	4,525,270	+488,470	---
Less funds advanced in previous years	-1,100,000	-1,100,000	-1,100,000	---	---
Total, Payments, current request	2,936,800	3,425,270	3,425,270	+488,470	---
Plus New advance, 1st quarter, FY 2005	1,100,000	1,200,000	1,200,000	+100,000	---
Total, Payments	4,036,800	4,625,270	4,625,270	+588,470	---
LOW INCOME HOME ENERGY ASSISTANCE					
Formula grants	1,688,950	1,700,000	1,700,000	+11,050	---
Emergency allocation:					
Non-emergency funding	---	300,000	100,000	+100,000	-200,000
Contingent emergency funding	---	---	---	---	---
Total, Low income home energy assistance	1,688,950	2,000,000	1,800,000	+111,050	-200,000
	---	---	---	---	---
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	219,853	200,193	200,193	-19,660	---
Victims of Trafficking	9,935	10,000	10,000	+65	---
Social Services	150,139	153,121	153,121	+2,982	---
Preventive Health	4,804	4,835	4,835	+31	---
Targeted Assistance	49,155	49,477	49,477	+322	---
Unaccompanied minors	34,227	34,000	34,227	---	+227
Victims of Torture	9,935	10,000	10,000	+65	---
Total, Refugee and entrant assistance	478,048	461,626	461,853	-16,195	+227
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,086,344	2,099,729	2,099,729	+13,385	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	---	---
DISABLED VOTER SERVICES	15,000	---	15,000	---	+15,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded	5,267,533	5,415,570	5,415,570	+148,037	---
Advance from prior year	(1,400,000)	(1,400,000)	(1,400,000)	---	---
FY 2005	1,400,000	1,400,000	1,400,000	---	---
Subtotal, Head Start, program level	6,667,533	6,815,570	6,815,570	+148,037	---
Consolidated Runaway, Homeless Youth Prog	89,978	88,043	88,043	-1,935	---
Maternity Group Homes	---	10,000	---	---	-10,000
Prevention grants to reduce abuse of runaway youth	15,399	14,999	14,999	-400	---
Child Abuse State Grants	21,870	22,013	22,013	+143	---
Child Abuse Discretionary Activities	33,845	26,301	26,301	-7,544	---
Abandoned Infants Assistance	12,126	12,086	12,086	-40	---
Child Welfare Services	290,088	291,986	291,986	+1,898	---
Child Welfare Training	7,449	7,470	7,470	+21	---
Adoption Opportunities	27,227	27,343	27,343	+116	---
Adoption Incentive (no cap adjustment)	42,720	43,000	43,000	+280	---
Adoption Awareness	12,822	12,906	12,906	+84	---
Compassion Capital Fund	34,772	100,000	50,000	+15,228	-50,000
Social Services and Income Maintenance Research	28,749	5,982	5,982	-22,767	---
Evaluation tap funding	(6,000)	---	---	(-6,000)	---
Subtotal, Program level	34,749	5,982	5,982	-28,767	---
Community Based Resource Centers	33,200	33,403	33,403	+203	---
Developmental Disabilities Program:					
State Councils	71,135	69,800	71,500	+365	+1,700
Protection and Advocacy	36,263	35,000	36,500	+237	+1,500
Developmental Disabilities Special Projects	12,403	11,642	12,500	+97	+858
Developmental Disabilities University Affiliated	24,962	24,000	25,000	+38	+1,000
Subtotal, Developmental disabilities	144,763	140,442	145,500	+737	+5,058
Native American Programs	45,457	45,119	45,119	-338	---
Community Services:					
Grants to States for Community Services	645,762	494,964	494,964	-150,798	---
Community Initiative Program:					
Economic Development	32,546	32,436	32,436	-110	---
Individual Development Account Initiative	24,828	24,912	24,912	+84	---
Rural Community Facilities	7,203	---	7,250	+47	+7,250
Subtotal, Community Initiative Program	64,577	57,348	64,598	+21	+7,250
National Youth Sports	16,889	---	18,000	+1,111	+18,000
Community Food and Nutrition	7,281	---	---	-7,281	---
Subtotal, Community Services	734,509	552,312	577,562	-156,947	+25,250
Domestic Violence Hotline	2,562	3,000	3,000	+438	---
Battered Women's Shelters	126,403	124,423	126,403	---	+1,980
Early Learning Fund	33,779	---	---	-33,779	---
Faith-Based Center	1,490	1,400	1,400	-90	---
Mentoring Children of Prisoners	9,935	50,000	25,000	+15,065	-25,000
Independent Living Training Vouchers	41,727	60,000	45,000	+3,273	-15,000
Promoting Responsible Fatherhood	---	20,000	---	---	-20,000
Program Direction	171,873	179,584	179,584	+7,711	---
Total, Children and Families Services Programs	8,630,276	8,687,382	8,599,670	-30,606	-87,712
Current Year	(7,230,276)	(7,287,382)	(7,199,670)	(-30,606)	(-87,712)
FY 2005	(1,400,000)	(1,400,000)	(1,400,000)	---	---
Evaluation Tap funding	(6,000)	---	---	(-6,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---
Discretionary Funds	99,350	199,978	100,000	+650	-99,978
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	4,884,500	4,974,200	4,974,200	+89,700	---
Adoption Assistance	1,584,500	1,699,700	1,699,700	+115,200	---
Independent living	140,000	140,000	140,000	---	---
Total, Payments to States	6,609,000	6,813,900	6,813,900	+204,900	---
Less Advances from Prior Year	-1,754,000	-1,745,600	-1,745,600	+8,400	---
Total, payments, current request	4,855,000	5,068,300	5,068,300	+213,300	---
New Advance, 1st quarter	1,745,600	1,767,700	1,767,700	+22,100	---
Total, Administration for Children & Families	25,640,368	26,914,985	26,542,522	+902,154	-372,463
Current year	(21,394,768)	(22,547,285)	(22,174,822)	(+780,054)	(-372,463)
FY 2005	(4,245,600)	(4,367,700)	(4,367,700)	(+122,100)	---
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	355,673	357,000	357,000	+1,327	---
Preventive Health	21,919	21,562	21,919	---	+357
Title VII	18,559	17,681	18,559	---	+878
Family Caregivers	149,025	141,500	162,000	+12,975	+20,500
Native American Caregivers Support	6,209	---	6,500	+291	+6,500
Subtotal, Caregivers	155,234	141,500	168,500	+13,266	+27,000
Nutrition:					
Congregate Meals	384,592	390,000	390,000	+5,408	---
Home Delivered Meals	180,985	178,500	180,985	---	+2,485
Nutrition Services Incentive Program	148,697	149,670	149,670	+973	---
Subtotal, Nutrition	714,274	718,170	720,655	+6,381	+2,485
Subtotal, Grants to States	1,265,659	1,255,913	1,286,633	+20,974	+30,720
Grants to Native Americans	27,495	25,729	25,729	-1,766	---
Aging Research, Training and Special Projects	40,258	27,837	30,837	-9,421	+3,000
Aging Network Support Activities	2,364	2,379	2,379	+15	---
Alzheimer's Initiative	13,412	11,500	11,500	-1,912	---
White House Conference on Aging	---	2,842	2,842	+2,842	---
Program Administration	17,869	17,501	17,501	-368	---
Total, Administration on Aging	1,367,057	1,343,701	1,377,421	+10,364	+33,720
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	159,811	172,541	167,300	+7,489	-5,241
Trust Funds	5,813	5,851	5,813	---	-38
Subtotal	(165,624)	(178,392)	(173,113)	(+7,489)	(-5,279)
Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	---
Adolescent Family Life (Title XX)	30,922	31,241	30,922	---	-319
Minority health	56,224	47,010	48,329	-7,895	+1,319
Office of women's health	28,658	28,908	28,658	---	-250
Minority HIV/AIDS	49,675	50,000	49,675	---	-325
IT Security and Innovation Fund	19,870	18,400	18,400	-1,470	---
Total, General Departmental Management	350,973	353,951	349,097	-1,876	-4,854
Federal Funds	345,160	348,100	343,284	-1,876	-4,816
Trust Funds	5,813	5,851	5,813	---	-38

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
	---	---	---	---	---
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	36,808	39,497	39,497	+2,689	---
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	---	---
Total, Inspector General program level	(196,808)	(199,497)	(199,497)	(+2,689)	---
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	30,131	30,936	30,936	+805	---
Trust Funds	3,292	3,314	3,314	+22	---
Total, Office for Civil Rights	33,423	34,250	34,250	+827	---
POLICY RESEARCH:					
Federal Funds	2,483	2,499	2,483	---	-16
Evaluation Tap funding (NA)	(18,000)	(21,000)	(18,000)	---	(-3,000)
Total, Policy Research	20,483	23,499	20,483	---	-3,016
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	218,984	234,000	234,000	+15,016	---
Survivors benefits	14,102	15,001	15,001	+899	---
Dependents' medical care	76,931	54,391	80,867	+3,936	+26,476
Military services credits	---	---	---	---	---
Total, Medical benefits for Com Officers (indef)	310,017	303,392	329,868	+19,851	+26,476
Comm. Corps Medicare Elig. Healthcare Accrual	---	12,973	---	---	-12,973
Total, Medical benefits for comm. officers	310,017	316,365	329,868	+19,851	+13,503
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
HRSA Homeland security activities	584,451	618,173	545,870	-38,581	-72,303
CDC Homeland security activities	1,235,424	1,116,156	1,116,156	-119,268	---
AHRQ Homeland security activities	4,967	---	---	-4,967	---
Office of the Secretary Homeland sercurity activities	62,405	61,820	64,820	+2,415	+3,000
Other PHSSEF Homeland security activities	---	100,000	50,000	+50,000	-50,000
Total, PHSSEF	1,887,247	1,896,149	1,776,846	-110,401	-119,303
Total, Office of the Secretary	2,620,951	2,642,711	2,532,041	-88,910	-110,670
Federal Funds	2,611,846	2,633,546	2,522,914	-88,932	-110,632
Trust Funds	9,105	9,165	9,127	+22	-38
Total, Title II, Dept of Health & Human Services	318,535,692	353,090,488	359,449,360	+40,913,668	+6,358,872
Federal Funds	315,961,696	350,347,816	356,742,208	+40,780,512	+6,394,392
Current year	(259,854,710)	(287,563,841)	(293,958,233)	(+34,103,523)	(+6,394,392)
FY 2005	(56,106,986)	(62,783,975)	(62,783,975)	(+6,676,989)	---
Trust Funds	2,573,996	2,742,672	2,707,152	+133,156	-35,520

Title II Footnotes:

1/ Includes Mine Safety and Health.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - DEPARTMENT OF EDUCATION					
EDUCATION FOR THE DISADVANTAGED					
Grants to Local Educational Agencies (LEAs)					
Basic Grants					
Advance from prior year 1/	(4,011,272)	(4,255,272)	(2,011,272)	(-2,000,000)	(-2,244,000)
Forward funded	2,848,533	5,158,199	5,158,199	+2,309,666	---
Current funded	3,477	3,500	3,500	+23	---
Subtotal, Basic grants current year approp.	2,852,010	5,161,699	5,161,699	+2,309,689	---
Subtotal, Basic grants total funds available	(6,863,282)	(9,416,971)	(7,172,971)	(+309,689)	(-2,244,000)
Basic Grants FY 2005 Advance	4,255,272	2,011,272	2,011,272	-2,244,000	---
Subtotal, Basic grants, program level	7,107,282	7,172,971	7,172,971	+65,689	---
Concentration Grants					
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---
FY 2005 Advance	1,365,031	1,365,031	1,365,031	---	---
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	---	---
Targeted Grants					
Advance from prior year	(1,018,499)	(1,670,239)	(1,670,239)	(+651,740)	---
FY 2005 Advance	1,670,239	3,018,499	3,018,499	+1,348,260	---
Subtotal, Targeted Grants program level	1,670,239	3,018,499	3,018,499	+1,348,260	---
Education Finance Incentive Grants					
Advance from prior year	(793,499)	(1,541,759)	(1,541,759)	(+748,260)	---
FY 2005 Advance	1,541,759	793,499	793,499	-748,260	---
Subtotal, Education Finance Incentive Grants	1,541,759	793,499	793,499	-748,260	---
Subtotal, Grants to LEAs, program level	11,684,311	12,350,000	12,350,000	+665,689	---
Even Start	248,375	175,000	250,000	+1,625	+75,000
Reading First:					
State Grants (forward funded)	798,500	855,000	855,000	+56,500	---
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---
FY 2005 Advance	195,000	195,000	195,000	---	---
Subtotal, Reading First State Grants	993,500	1,050,000	1,050,000	+56,500	---
Early Reading First	74,512	100,000	100,000	+25,488	---
Literacy through School Libraries	12,419	27,500	27,500	+15,081	---
State Agency Programs:					
Migrant	395,413	396,000	396,000	+587	---
Neglected and Delinquent/High Risk Youth	48,682	48,000	49,000	+318	+1,000
Subtotal, State Agency programs	444,095	444,000	445,000	+905	+1,000
Evaluation	8,842	9,500	9,500	+658	---
Comprehensive School Reform Demonstration	233,473	---	235,000	+1,527	+235,000
Migrant Education:					
High School Equivalency Program	23,347	13,000	24,000	+653	+11,000
College Assistance Migrant Program	15,399	15,000	16,000	+601	+1,000
Subtotal, Migrant Education	38,746	28,000	40,000	+1,254	+12,000
Total, Education for the disadvantaged	13,738,273	14,184,000	14,507,000	+768,727	+323,000
Current Year	(4,710,972)	(6,800,699)	(7,123,699)	(+2,412,727)	(+323,000)
FY 2005	(9,027,301)	(7,383,301)	(7,383,301)	(-1,644,000)	---
Subtotal, forward funded	(4,572,976)	(6,632,199)	(6,943,199)	(+2,370,223)	(+311,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
IMPACT AID					
Basic Support Payments	1,025,292	867,500	1,073,000	+47,708	+205,500
Payments for Children with Disabilities	50,668	40,000	50,668	---	+10,668
Facilities Maintenance (Sec. 8008)	7,948	8,000	7,948	---	-52
Construction (Sec. 8007)	44,708	45,000	44,708	---	-292
Payments for Federal Property (Sec. 8002)	59,610	55,000	62,000	+2,390	+7,000
Total, Impact aid	1,188,226	1,015,500	1,238,324	+50,098	+222,824
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,780,825	1,700,000	1,780,825	---	+80,825
Advance from prior year	(1,150,000)	(1,150,000)	(1,150,000)	---	---
FY 2005	1,150,000	1,150,000	1,150,000	---	---
Subtotal, State Grants for Improving Teacher Quality, program level	2,930,825	2,850,000	2,930,825	---	+80,825
Early Childhood Educator Professional Development	14,902	15,000	14,902	---	-98
Mathematics and Science Partnerships	100,344	12,500	150,000	+49,656	+137,500
State Grants for Innovative Education (Education Block Grant)	97,498	100,000	50,000	-47,498	-50,000
Advance from prior year	(285,000)	(285,000)	(285,000)	---	---
FY 2005	285,000	285,000	285,000	---	---
Subtotal, Education Block Grant, program level	382,498	385,000	335,000	-47,498	-50,000
Educational Technology:					
Educational Technology State Grants	695,947	700,500	695,947	---	-4,553
Preparing Tomorrow's Teachers to Use Technology	62,094	---	---	-62,094	---
Subtotal, Educational Technology	758,041	700,500	695,947	-62,094	-4,553
21st Century Community Learning Centers	993,500	600,000	1,000,000	+6,500	+400,000
State Assessments/Enhanced Assessment Instruments	384,484	390,000	390,000	+5,516	---
Javits gifted talented education	11,177	---	11,177	---	+11,177
Foreign language assistance	16,144	---	---	-16,144	---
Education for Homeless Children & Youth	54,642	50,000	60,000	+5,358	+10,000
Training and Advisory Services (Civil Rights)	7,286	7,334	7,286	---	-48
Education for Native Hawaiians	30,798	18,300	18,300	-12,498	---
Alaska Native Education Equity	30,798	14,200	14,200	-16,598	---
Rural Education	167,653	---	170,000	+2,347	+170,000
Total, School improvement programs	5,883,092	5,042,834	5,797,637	-85,455	+754,803
Current Year	(4,448,092)	(3,607,834)	(4,362,637)	(-85,455)	(+754,803)
FY 2005	(1,435,000)	(1,435,000)	(1,435,000)	---	---
Subtotal, forward funded	(4,274,893)	(3,553,000)	(4,296,772)	(+21,879)	(+743,772)
INDIAN EDUCATION					
Grants to Local Educational Agencies	96,502	97,133	96,502	---	-631
Federal Programs:					
Special Programs for Indian Children	19,870	20,000	19,870	---	-130
National Activities	5,201	5,235	5,201	---	-34
Subtotal, Federal Programs	25,071	25,235	25,071	---	-164
Total, Indian Education	121,573	122,368	121,573	---	-795
INOVATION AND IMPROVEMENT					
Troops-to-Teachers	28,812	25,000	20,000	-8,812	-5,000
Transition to Teaching	41,727	49,400	49,400	+7,673	---
National Writing Project	16,890	---	16,890	---	+16,890
Teaching of Traditional American History	99,350	100,000	50,000	-49,350	-50,000
School Leadership	12,419	---	12,419	---	+12,419
Advanced Credentialing	9,935	---	16,500	+6,565	+16,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Charter Schools Grants	198,700	220,000	220,000	+21,300	---
Credit Enhancement for Charter School Facilities	24,838	100,000	75,000	+50,162	-25,000
Voluntary Public School Choice	25,831	25,000	25,831	---	+831
Magnet Schools Assistance	109,285	110,000	109,285	---	-715
Choice Incentive Fund	---	75,000	---	---	-75,000
Fund for the Improvement of Education (FIE):					
Current funded	398,133	59,000	91,284	-306,849	+32,284
Forward funded	74,513	---	74,513	---	+74,513
Subtotal, FIE	472,646	59,000	165,797	-306,849	+106,797
Ready to Learn	22,850	22,000	22,000	-850	---
Dropout Prevention Programs	10,929	---	---	-10,929	---
Ellender Fellowships/Close Up	1,490	---	1,490	---	+1,490
Advanced Placement Fees	23,347	22,000	23,347	---	+1,347
Total, Innovation and Improvement	1,099,049	807,400	807,959	-291,090	+559
Current Year	(1,099,049)	(807,400)	(807,959)	(-291,090)	(+559)
FY 2005	---	---	---	---	---
Subtotal, forward funded	(74,513)	---	(74,513)	---	(+74,513)
SAFE SCHOOLS AND CITIZENSHIP EDUCATION					
Safe and Drug Free Schools and Communities:					
State Grants, current funded	138,949	92,017	138,949	---	+46,932
Advance from prior year	(330,000)	(330,000)	(330,000)	---	---
FY 2005	330,000	330,000	330,000	---	---
State Grants, program level	468,949	422,017	468,949	---	+46,932
National Programs	155,180	172,233	155,180	---	-17,053
Community Service for Expelled or Susp'd Students	49,675	---	---	-49,675	---
Alcohol Abuse Reduction	24,838	---	---	-24,838	---
Mentoring Programs	17,386	100,000	50,000	+32,614	-50,000
Character education	24,838	25,000	24,838	---	-162
Elementary and Secondary School Counseling	32,289	---	32,289	---	+32,289
Carol E. White Physical Education for Progress	59,610	---	60,000	+390	+60,000
Civic Education	28,812	27,000	28,812	---	+1,812
State Grants for Incarcerated Youth Offenders	23,348	---	---	-23,348	---
Physical Education Initiative	---	10,000	---	---	-10,000
Total, Safe Schools and Citizenship Education	884,925	756,250	820,068	-64,857	+63,818
Current Year	(554,925)	(426,250)	(490,068)	(-64,857)	(+63,818)
FY 2005	(330,000)	(330,000)	(330,000)	---	---
Subtotal, forward funded	(188,624)	(92,017)	(138,949)	(-49,675)	(+46,932)
ENGLISH LANGUAGE ACQUISITION					
Current funded	194,726	665,000	124,972	-69,754	-540,028
Forward funded	490,789	---	560,543	+69,754	+560,543
Total, English Language Acquisition	685,515	665,000	685,515	---	+20,515
SPECIAL EDUCATION					
State Grants:					
Grants to States Part B advance funded	5,672,000	5,072,000	5,072,000	-600,000	---
Part B advance from prior year	(5,072,000)	(5,672,000)	(5,672,000)	(+600,000)	---
Grants to States Part B current year	3,202,398	4,456,533	4,802,398	+1,600,000	+345,865
Subtotal, Grants to States, program level	8,874,398	9,528,533	9,874,398	+1,000,000	+345,865
Preschool Grants	387,465	390,000	390,000	+2,535	---
Grants for Infants and Families	434,159	447,000	447,000	+12,841	---
Subtotal, State grants, program level	9,696,022	10,365,533	10,711,398	+1,015,376	+345,865

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
IDEA National Activities (current funded):					
State Program Improvement Grants	51,364	44,000	51,364	---	+7,364
Research and Innovation	77,210	78,380	77,210	---	-1,170
Technical Assistance and Dissemination	53,133	53,481	53,481	+348	---
Personnel Preparation	91,899	90,000	91,899	---	+1,899
Parent Information Centers	26,328	26,000	26,328	---	+328
Technology and Media Services	37,961	32,710	38,110	+149	+5,400
Subtotal, IDEA special programs	337,895	324,571	338,392	+497	+13,821
Total, Special education	10,033,917	10,690,104	11,049,790	+1,015,873	+359,686
Current Year	(4,361,917)	(5,618,104)	(5,977,790)	(+1,615,873)	(+359,686)
FY 2005	(5,672,000)	(5,072,000)	(5,072,000)	(-600,000)	---
Subtotal, Forward funded	(4,075,386)	(5,337,533)	(5,690,762)	(+1,615,376)	(+353,229)
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,533,492	2,584,162	2,584,162	+50,670	---
Vocational Rehabilitation Incentive Grants	---	84,490	---	---	-84,490
Client Assistance State grants	12,068	11,897	12,068	---	+171
Training	39,371	42,629	39,371	---	-3,258
Demonstration and training programs	20,895	24,492	20,895	---	-3,597
Migrant and seasonal farmworkers	2,335	---	2,335	---	+2,335
Recreational programs	2,579	---	2,579	---	+2,579
Protection and advocacy of individual rights (PAIR)	16,890	17,880	16,890	---	-990
Projects with industry	21,928	---	21,928	---	+21,928
Supported employment State grants	37,904	---	37,904	---	+37,904
Independent living:					
State grants	22,151	22,296	22,296	+145	---
Centers	69,545	69,500	75,000	+5,455	+5,500
Services for older blind individuals	27,818	25,000	32,000	+4,182	+7,000
Subtotal, Independent living	119,514	116,796	129,296	+9,782	+12,500
Program Improvement	894	850	894	---	+44
Evaluation	994	1,000	994	---	-6
Helen Keller National Center for Deaf/Blind	8,660	8,717	8,717	+57	---
National Inst. Disability and Rehab. Research (NIDRR)	109,285	110,000	110,000	+715	---
Assistive Technology	26,824	---	11,132	-15,692	+11,132
Subtotal, discretionary programs	420,141	418,751	415,003	-5,138	-3,748
Total, Rehabilitation services	2,953,633	3,002,913	2,999,165	+45,532	-3,748
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	15,399	14,000	16,500	+1,101	+2,500
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID:					
Operations	52,109	49,414	53,500	+1,391	+4,086
Endowment	---	1,000	---	---	-1,000
Construction	1,590	367	367	-1,223	---
Total, NTID	53,699	50,781	53,867	+168	+3,086
GALLAUDET UNIVERSITY					
Operations	97,798	93,446	100,600	+2,802	+7,154
Endowment	---	1,000	---	---	-1,000
Total, Gallaudet University	97,798	94,446	100,600	+2,802	+6,154
Total, Special Institutions for Persons with Disabilities	166,896	159,227	170,967	+4,071	+11,740

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants/Secondary & Technical Education					
State Grants, current funded 2/	401,200	209,000	409,000	+7,800	+200,000
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---
FY 2005	791,000	791,000	791,000	---	---
Subtotal, Basic State Grants, program level	1,192,200	1,000,000	1,200,000	+7,800	+200,000
Tech-Prep Education State Grants	107,298	---	107,298	---	+107,298
National Programs	11,922	---	11,922	---	+11,922
Tech-Prep Education Demonstration	4,968	---	---	-4,968	---
Occupational and Employment Information Program	9,438	---	---	-9,438	---
Subtotal, Vocational Education	1,325,826	1,000,000	1,319,220	-6,606	+319,220
Adult Education:					
State Grants/Adult basic and literacy education:					
State Grants, current funded 2/	571,262	584,300	584,300	+13,038	---
National Programs					
National Leadership Activities	9,438	---	9,438	---	+9,438
National Institute for Literacy	6,517	6,732	6,517	---	-215
Subtotal, National programs	15,955	6,732	15,955	---	+9,223
Subtotal, Adult education	587,217	591,032	600,255	+13,038	+9,223
Smaller Learning Communities, current funded	8,047	---	8,750	+703	+8,750
Smaller Learning Communities, forward funded	152,900	---	166,250	+13,350	+166,250
Community Technology Centers	32,264	---	---	-32,264	---
Total, Vocational and adult education	2,106,254	1,591,032	2,094,475	-11,779	+503,443
Current Year	(1,315,254)	(800,032)	(1,303,475)	(-11,779)	(+503,443)
FY 2005	(791,000)	(791,000)	(791,000)	---	---
Subtotal, forward funded	(1,274,943)	(800,032)	(1,294,725)	(+19,782)	(+494,693)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants -- maximum grant (NA)	(4,050)	(4,000)	(4,050)	---	(+50)
Pell Grants -- Regular Program	11,364,646	12,715,000	12,250,000	+885,354	-465,000
Federal Supplemental Educational Opportunity Grants	760,028	725,000	760,028	---	+35,028
Federal Work Study	1,004,428	1,011,000	1,004,428	---	-6,572

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Perkins Loans:					
Capital Contributions	99,350	---	99,350	---	+99,350
Loan Cancellations	67,061	67,500	67,061	---	-439
Subtotal, Federal Perkins loans	166,411	67,500	166,411	---	+98,911
LEAP program	66,565	---	66,565	---	+66,565
Loan Forgiveness for Child Care	994	---	---	-994	---
Total, Student Financial Assistance	13,363,072	14,518,500	14,247,432	+884,360	-271,068
STUDENT AID ADMINISTRATION					
Administrative Costs	104,703	947,010	120,010	+15,307	-827,000
Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	+795,000
HIGHER EDUCATION					
Aid for Institutional Development:					
Strengthening Institutions	81,467	76,275	81,467	---	+5,192
Hispanic Serving Institutions	92,396	93,551	93,551	+1,155	---
Strengthening Historically Black Colleges (HBCUs)	214,015	224,086	224,086	+10,071	---
Strengthening historically black graduate insts	53,415	53,302	53,415	---	+113
Strengthening Alaska & Hawaiian-Serving Insts	8,180	4,048	8,180	---	+4,132
Strengthening Tribal Colleges	22,850	19,037	22,850	---	+3,813
Subtotal, Aid for Institutional development	472,323	470,299	483,549	+11,226	+13,250
International Education and Foreign Language:					
Domestic Programs	93,240	88,000	93,240	---	+5,240
Overseas Programs	12,916	13,000	12,916	---	-84
Institute for International Public Policy	1,639	1,500	1,639	---	+139
Subtotal, International Education & Foreign Lang	107,795	102,500	107,795	---	+5,295
Fund for the Improvement of Postsec. Ed. (FIPSE)	171,064	39,138	39,138	-131,926	---
Minority Science and Engineering Improvement	8,942	8,500	8,942	---	+442
Interest Subsidy Grants	2,980	2,000	2,000	-980	---
Tribally Controlled Postsec Voc/Tech Institutions	6,955	6,500	6,955	---	+455
Federal TRIO Programs	827,089	802,500	835,000	+7,911	+32,500
GEAR UP	293,082	285,000	300,000	+6,918	+15,000
Byrd Honors Scholarships	40,734	41,001	40,734	---	-267
Javits Fellowships	9,935	10,000	9,935	---	-65
Graduate Assistance in Areas of National Need	30,798	31,000	30,798	---	-202
Teacher Quality Enhancement Grants	89,415	90,000	90,000	+585	---
Child Care Access Means Parents in School	16,194	15,000	15,000	-1,194	---
Demonstration in Disabilities / Higher Education	6,954	---	6,954	---	+6,954
Underground Railroad Program	2,235	---	2,235	---	+2,235
GPRA data/HEA program evaluation	994	1,000	994	---	-6
Thurgood Marshall Scholarships	4,968	---	4,968	---	+4,968
B.J. Stupak Olympic Scholarships	994	---	994	---	+994
Total, Higher education	2,093,451	1,904,438	1,985,991	-107,460	+81,553
NATIONAL SECURITY EDUCATION TRUST FUND 3/	---	8,000	---	---	-8,000
HOWARD UNIVERSITY					
Academic Program	204,690	207,100	208,170	+3,480	+1,070
Endowment Program	3,573	---	3,600	+27	+3,600
Howard University Hospital	30,177	30,374	31,000	+823	+626
Total, Howard University	238,440	237,474	242,770	+4,330	+5,296

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
College Housing and Academic Facilities Loans Program: (CHAFL)	757	774	774	+17	---
HBCU Capital Financing Program -- Federal Adm	207	210	210	+3	---
INSTITUTE OF EDUCATION SCIENCES					
Research and Statistics:					
Research	139,090	185,000	185,000	+45,910	---
Regional Educational Laboratories	67,061	---	67,061	---	+67,061
Statistics	89,415	95,000	95,000	+5,585	---
Assessment:					
National Assessment	90,235	90,825	90,825	+590	---
National Assessment Governing Board	4,532	5,090	5,090	+558	---
Subtotal, Assessment	94,767	95,915	95,915	+1,148	---
Subtotal, Research and statistics	390,333	375,915	442,976	+52,643	+67,061
Multi-year Grants and Contracts	57,623	---	57,623	---	+57,623
Total, IES	447,956	375,915	500,599	+52,643	+124,684
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	409,863	434,494	434,494	+24,631	---
OFFICE FOR CIVIL RIGHTS	85,715	91,275	91,275	+5,560	---
OFFICE OF THE INSPECTOR GENERAL	40,734	48,137	48,137	+7,403	---
Total, Departmental management	536,312	573,906	573,906	+37,594	---
Total: Elementary and Secondary Education Act programs	23,793,864	22,593,352	24,153,076	+359,212	+1,559,724
Total, Title III, Department of Education	55,646,251	55,807,855	57,964,165	+2,317,914	+2,156,310
Current Year	(38,390,950)	(40,796,554)	(42,952,864)	(+4,561,914)	(+2,156,310)
FY 2005	(17,255,301)	(15,011,301)	(15,011,301)	(-2,244,000)	---

Title III Footnotes:
1/ Reclassification of advance appropriations.
2/ FY 04 request assumes passage of proposed legislation renaming these State grant programs.
3/ In fiscal years 2002 and 2003, $8 million provided for this program in Defense Appropriations Acts.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operations and Maintenance	61,839	63,296	63,296	+1,457	---
Capital Program	5,732	1,983	1,983	-3,749	---
Total, AFRH	67,571	65,279	65,279	-2,292	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 1/					
Volunteers in Service to America (VISTA)	93,674	94,287	93,674	---	-613
Volunteers in Homeland Security	9,935	20,000	5,000	-4,935	-15,000
National Senior Volunteer Corps:					
Foster Grandparents Program	110,775	106,700	110,775	---	+4,075
Senior Companion Program	46,260	46,563	46,260	---	-303
Retired Senior Volunteer Program	58,501	58,884	58,501	---	-383
Senior Demonstration Program	397	---	397	---	+397
Subtotal, Senior Volunteers	215,933	212,147	215,933	---	+3,786
Program Administration	34,346	38,229	38,229	+3,883	---
Total, Domestic Volunteer Service Programs	353,888	364,663	352,836	-1,052	-11,827
CORPORATION FOR PUBLIC BROADCASTING:					
FY 2006 (current) with FY 2005 comparable	390,000	---	330,000	-60,000	+330,000
FY 2005 advance with FY 2004 comparable (NA)	(380,000)	(390,000)	(390,000)	(+10,000)	---
FY 2004 advance with FY 2003 comparable (NA)	(362,627)	(380,000)	(380,000)	(+17,373)	---
Digitalization program, current funded	48,427	---	---	-48,427	---
Funds provided in P.L. 107-116	---	(80,000)	(80,000)	(+80,000)	---
Interconnection, current funded	---	---	---	---	---
Funds provided in P.L. 107-116	---	(20,000)	(20,000)	(+20,000)	---
Subtotal, FY 2004 appropriation	48,427	---	---	-48,427	---
Subtotal, FY 2004 comparable	(48,427)	(100,000)	(100,000)	(+51,573)	---
FEDERAL MEDIATION AND CONCILIATION SERVICE	41,156	42,885	43,385	+2,229	+500
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,131	7,774	7,774	+643	---
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	243,889	242,024	238,126	-5,763	-3,898
MEDICARE PAYMENT ADVISORY COMMISSION	8,529	9,000	9,000	+471	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	1,003	1,000	1,000	-3	---
NATIONAL COUNCIL ON DISABILITY	2,839	2,830	2,830	-9	---
NATIONAL LABOR RELATIONS BOARD	237,429	243,073	239,429	+2,000	-3,644
NATIONAL MEDIATION BOARD	11,241	11,421	11,421	+180	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,610	10,115	10,115	+505	---
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	131,142	127,000	119,000	-12,142	-8,000
Less Income Tax Receipts on Dual Benefits	-7,948	-8,000	-8,000	-52	---
Subtotal, Dual Benefits	123,194	119,000	111,000	-12,194	-8,000
Federal Payment to the RR Retirement Account	150	150	150	---	---
Limitation on Administration	99,350	99,820	101,300	+1,950	+1,480
Inspector General	6,322	6,600	6,600	+278	---
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	20,400	21,658	21,658	+1,258	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	31,795,664	34,198,000	34,198,000	+2,402,336	---
Beneficiary services	45,728	100,000	100,000	+54,272	---
Research and demonstration	38,000	30,000	30,000	-8,000	---
Administration	2,825,000	3,034,000	2,973,300	+148,300	-60,700
Subtotal, SSI program level	34,704,392	37,362,000	37,301,300	+2,596,908	-60,700
Less funds advanced in prior year	-10,790,000	-11,080,000	-11,080,000	-290,000	---
Subtotal, regular SSI current year	23,914,392	26,282,000	26,221,300	+2,306,908	-60,700
Plus User Fee Activities	111,000	120,000	120,000	+9,000	---
Total, SSI, current request	24,025,392	26,402,000	26,341,300	+2,315,908	-60,700
New advance, 1st quarter, FY 2005	11,080,000	12,590,000	12,590,000	+1,510,000	---
Total, SSI, current request	35,105,392	38,992,000	38,931,300	+3,825,908	-60,700
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	3,736,783	4,192,200	4,108,300	+371,517	-83,900
HI/SMI Trust Funds	1,210,554	1,182,000	1,158,400	-52,154	-23,600
Social Security Advisory Board	1,800	1,800	1,800	---	---
SSI	2,825,000	3,034,000	2,973,300	+148,300	-60,700
Subtotal, regular LAE	7,774,137	8,410,000	8,241,800	+467,663	-168,200
User Fee Activities (SSI)	111,000	120,000	120,000	+9,000	---
Total, Limitation on Administrative Expenses	7,885,137	8,530,000	8,361,800	+476,663	-168,200
OFFICE OF INSPECTOR GENERAL					
Federal Funds	20,863	25,000	24,500	+3,637	-500
Trust Funds	61,597	65,000	63,700	+2,103	-1,300
Total, Office of Inspector General	82,460	90,000	88,200	+5,740	-1,800
Adjustment: Trust fund transfers from general revenues	-2,936,000	-3,154,000	-3,093,300	-157,300	+60,700
Total, Social Security Administration	40,157,389	44,479,658	44,309,658	+4,152,269	-170,000
Federal funds	35,146,655	39,038,658	38,977,458	+3,830,803	-61,200
Current year	(24,066,655)	(26,448,658)	(26,387,458)	(+2,320,803)	(-61,200)
New advances, 1st quarter	(11,080,000)	(12,590,000)	(12,590,000)	(+1,510,000)	---
Trust funds	5,010,734	5,441,000	5,332,200	+321,466	-108,800
UNITED STATES INSTITUTE OF PEACE	16,256	17,200	17,200	+944	---
Total, Title IV, Related Agencies	41,825,374	45,722,492	45,857,103	+4,031,729	+134,611
Federal Funds	36,700,439	40,166,072	40,408,003	+3,707,564	+241,931
Current Year	(25,230,439)	(27,576,072)	(27,488,003)	(+2,257,564)	(-88,069)
FY 2005 Advance	(11,080,000)	(12,590,000)	(12,590,000)	(+1,510,000)	---
FY 2006 Advance	(390,000)	---	(330,000)	(-60,000)	(+330,000)
Trust Funds	5,124,935	5,556,420	5,449,100	+324,165	-107,320

Title IV Footnotes:

1/ Appropriations for Americorps are provided in the VA-HUD bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
SUMMARY					
Federal Funds	419,505,080	457,534,706	466,427,942	+46,922,862	+8,893,236
Current year	(332,112,793)	(364,598,430)	(373,161,666)	(+41,048,873)	(+8,563,236)
2005 advance	(87,002,287)	(92,936,276)	(92,936,276)	(+5,933,989)	---
2006 advance	(390,000)	---	(330,000)	(-60,000)	(+330,000)
Trust Funds	11,485,390	12,162,342	11,978,994	+493,604	-183,348
Grand Total	430,990,470	469,697,048	478,406,936	+47,416,466	+8,709,888
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	296,311,317	334,126,478	340,152,954	+43,841,637	+6,026,476
Less advances for subsequent years	-65,883,986	-74,061,975	-74,061,975	-8,177,989	---
Plus advances provided in prior years	60,353,937	65,883,986	65,883,986	+5,530,049	---
Total, mandatory, current year	290,781,268	325,948,489	331,974,965	+41,193,697	+6,026,476
Discretionary, total in bill	134,679,153	135,570,570	138,253,982	+3,574,829	+2,683,412
Less advances for subsequent years	-21,508,301	-18,874,301	-19,204,301	+2,304,000	-330,000
Plus advances provided in prior years	19,220,918	21,498,301	19,254,301	+33,383	-2,244,000
Scorekeeping adjustments:					
SSA User Fee Collection	-111,000	-120,000	-120,000	-9,000	---
Repatriation, change in statutory cap	5,000	---	---	-5,000	---
AWIU contingency	70,000	---	---	-70,000	---
Adjustment-OMB Mandatory scoring in Voc Rehab.	---	-84,490	---	---	+84,490
CMS User Fees	---	---	-98,000	-98,000	-98,000
CDC Management/IT Savings	---	---	-49,982	-49,982	-49,982
Rescission of CPB FY 2003 Advance	---	---	---	---	---
CPB FY 2003 S&E adjustment	182	---	---	-182	---
Total, discretionary	132,355,952	137,990,080	138,036,000	+5,680,048	+45,920
Adjustment to balance with 2003 enacted	-70,000	---	---	+70,000	---
Total, discretionary (FY 2003 enacted)	132,285,952	137,990,080	138,036,000	+5,750,048	+45,920
Grand total, current year (incl FY 2003 comparable)	423,137,220	463,938,569	470,010,965	+46,873,745	+6,072,396
Grand total, current year (incl FY 2003 enacted)	423,067,220	463,938,569	470,010,965	+46,943,745	+6,072,396

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2660)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
302(b) General Purposes Allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Permissible Cap Adjustment	---	---	---	---	---
Total Anticipated 302(b) Allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Total: Discretionary, current year	132,355,952	137,990,080	138,036,000	+5,680,048	+45,920
Anticipated 302(b) allocation	131,399,000	---	138,036,000	+6,637,000	+138,036,000
Amount over(+)/under (-) 302(b) allocation	956,952	137,990,080	---	-956,952	-137,990,080

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

Mr. OBEY. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, the last 2 years the Republican majority has pushed $2 trillion in tax cuts through this House. A huge percentage of those cuts have been focused on the top 1 percent of earners in this country who make over 100,000 bucks a year. For those 2 years, the Republican Party has pretended that there are no costs associated with those tax cuts. Well, there are, and on this bill is where those costs become evident. This is where the chickens come home to roost.

Cost number one is $26 billion a year in additional interest payments that our taxpayers will have to pay next year because every single dollar of the tax cut that was passed was paid for with borrowed money.

The second cost that is incurred is that because all of the dollars have been put into tax cuts, ''ain't no more money left'' for Medicare fix-ups, ''ain't no more money left'' to do a real as opposed to a ''let's pretend'' prescription drug program, and there isn't nearly enough money left to make the necessary investments that American families depend upon in the education and health care and worker protection area, and this is where those consequences show up on this bill.

Now, what are the deficiencies? First of all, the Republican budget, which was the enabling legislation which enabled the tax cuts to come to this floor, the Republican budget resolution promised Republican moderates, in return for their votes on the budget resolution, they promised that Title I, which is the main education program that we use to help kids who need some help to stay abreast, they promised that Title I would be funded at $1 billion above last year. This bill contains the broken promise because this bill funds Title I $340 million below the amount promised in the Republican's own budget resolution.

Special education. Both parties compete with each other and claim how much they are in love with special education programs. Well, the Republican majority promised $2.2 billion in additional funding for special education if those moderates would just vote for that bill. Now, you bring the actual bill to the floor, and I said yesterday it is apparent the check is not in the mail because this bill is $1.2 billion short of the Republican promise in the budget resolution on that score. That is broken promise number two.

There is another way to measure it. The President, when he came into office, said, ''Oh, he was not going to spend any more money on education until we reformed the programs.'' So we reformed the programs in the No Child Left Behind Act, all kinds of promises to the States and the local school districts, all kinds of mandates. That bill was the mother of all mandates, and yet today, if you take a look at how this bill or those programs compares to the funding schedule in that bill, this bill is $8 billion short, $8 billion short.

Then if you take a look at some of the details, after-school programs, now I know my good friend from Ohio is a strong supporter of those programs, but this bill is $750 million short of the No Child Left Behind promise for after-school programs.

Student aid: Pell grants, the principal program by which we help families send their kids to college, in 1975 Pell grants paid for 84 percent of the cost of a public education on average. This year it is down to 38 percent because this bill freezes Pell grants. In addition to that, the administration cuts the ability of Pell grant recipients to use their full State and local tax deduction in determining their eligibility for Pell grants. So that is another chiseling away at benefits we provide families to go to college.

Now move to the health care front. For 5 years we have almost doubled funding at NIH, the institute which provides for most of the medical research in this country, but this bill puts the brake on that 5-year progress. The result? Grants for new programs and competitive renewal of existing or of expiring grants will go up by only two-tenths of 1 percent for a grand total of 21 grants, the smallest increase in 15 years.

I invite Members of this House, tell the 1.3 million people who are going to get cancer this year, tell the 1 million people who are going to find out they have diabetes, tell the 60,000 people who are going to get Parkinson's, tell them that it is more important to give an $88,000 tax cut to somebody who makes $1 million a year than it is to continue our efforts to attack those diseases at full throttle.

We hear this nonsense about how NIH needs some breathing time in order to absorb the money that we have already given them. Baloney. Less than 35 percent of all of the grants that are approved as being quality science are ever funded. Tell me there is not a need.

Or if you want to move on, the nursing, the new nursing act that passed last year, every politician in this House wrote to every nurse in their district and said, ''we love you, we are all for this program.'' Where is the money to make it reality? No new money in this bill for that program.

Then if you take a look at community service block grant, money that we provide that is used to help families that are poor and near poor, cut by 150 million bucks.

Low-income heating assistance program: I started that program with Ed Muskie back in the 1970s, and we had a lot of help from a lot of Republicans, including Silvio Conte. What has happened to that bill today? We have been told, on one hand, we have been told by the Republican members of our committee, correctly so, that we are going to have a big increase in natural gas prices. How does the committee respond? By cutting the low-income heating assistance program by 200 million bucks. I do not think that is a very smart thing to do.

So basically, these are just a few areas in which this bill is deficient. So what we are going to try to do, despite the fact that the rule turned us down, we are going to try to offer two amendments on this side of the aisle.

We are going to try to add $2.8 billion in additional education funding, to add $340 million more for Title I, $1.2 billion for special education. We are going to try to raise Pell grant, the maximum grants, by $150. In the health care area, we are going to add some money to the rural health program. We are going to add some funding to our chem/bio response capability. We are going to try to double the rate of increased funding for NIH so that we can have a 6 percent increase in new and competing grants. We are going to fund that nursing act. We are going to try to provide $450 million in increased funding for low-income heating assistance. We are going to restore the $150 million cut for the CSBG program. We are going to put $82 million back in the older Americans bill so that we do not have to cut out 3 million congregate meals for senior citizens this year, and so that we do not have to cut out 4 million meals for the Meals on Wheels program.

How are we going to pay for it? We are going to pay for it by cutting the tax cut that people who earn more than a million bucks a year would get from $88,000 that they are now scheduled to get to a mere $60,000. My goodness me, they are going to be stuck on a starvation diet this year, poor folks.

Then we are going to try a second amendment which will raise the matching rate for Medicaid for each State so that we can prevent every State in the Union from knocking kids off the Medicaid or the SCHIP rolls.

Mr. Chairman, we ought to be ashamed of ourselves that we are making kids pay for tax cuts for millionaires by giving up their eligibility for health care. That is an outrageous set of priorities, but it is one which is enforced on this country by the majority party actions in ramming those giant-size tax cuts for high-income people through this House.

We are not saying that those who make $1 million a year should not get a tax cut like everybody else. We are saying that we ought to limit, through the action of our first amendment and the second amendment, all we are saying is when you put those two together, we simply want to limit the size of their tax cut to $44,000 on average instead of $88,000. And I will bet you that if you ask 90 percent of those people, they will say that they would much prefer that we provide the money for these kids and provide the money for their education rather than give them a supersize tax cut.

So, Mr. Chairman, that is what we are going to try to do today because this budget process has been handled in such a way that the majority party has tried to obscure, at every opportunity they have tried to obscure the linkage between their actions on taxes and the resulting actions on education, health care and other needed services for the citizens of this country.

What our amendments will try to do is to reestablish those linkages so that people understand there are consequences to the choices that we make, and those consequences fall most heavily on the people who most need our help.

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

Mr. REGULA. Mr. Chairman, I yield so much time as he may consume to the gentleman from Florida (Mr. YOUNG), the Chairman of the full Committee on Appropriations, and I want to say he did a wonderful job in getting us a very substantial allocation to meet these needs.

□ 1130

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA) for yielding me this time, and I want to compliment and congratulate him and the gentleman from Wisconsin (Mr. OBEY), as the chairman and ranking member of the subcommittee, for doing a really good job in allocating the money that was available. As Chairman REGULA has said, there is an increase in the 302(b) allocation for this bill over last year. The gentleman from Wisconsin and the gentleman from Ohio have worked extremely hard to try to balance the funding so that we meet the responsibilities in this bill.

I support the bill. I think it is a good bill. I know that there are a lot of things that Members would like to do and there are a lot of other items that they would like to see funded. But there is a limitation on the amount of money. As everyone knows, we have a budget resolution that did not make our job easy, but it is still the budget resolution, like it or not.

I know that there are many Members who would like to add additional money, because for the 13 appropriation bills, I have received requests from Members that totaled more than $50 billion to add over and above the allocated amount that was provided in the budget resolution. However, we cannot do all of the requests, and we have to do the best we can with what we have. I think the committee has done a really outstanding job. I have been a member of this committee for a long, long time; and I know the members of this subcommittee are diligent and very respectful of their responsibilities.

One thing this bill is not: this bill is not a tax bill. I understand that my friend, the gentleman from Wisconsin (Mr. OBEY), has made this case strongly and he feels very strongly about it. But the fact of the matter is that this is not a tax bill. We do not do taxes in the Committee on Appropriations. That is a Ways and Means responsibility. So I think we have worked together very well to produce this bill. I think we have worked together very well to reach an agreement on the process for this bill.

I believe that sometime today we will have a unanimous consent request that will accommodate Members to have our work concluded by 5 p.m., hopefully. And again I appreciate the gentleman from Wisconsin (Mr. OBEY) very much and Chairman REGULA for working together on this.

Now, if I can just take a minute, I want to give the Members an update on where we are in the appropriations process. As usual, we got off to a slow start because there were some budget decisions that had to be made, that should have been made prior to voting on the budget resolution; but that was not done. However, I want to report that of the 13 appropriation bills, 10 have already been marked up in subcommittee. The 11th will be marked up tomorrow.

We have already marked up seven of these bills in full committee. We have already concluded in the House the Homeland bill, the Military Construction bill, the Defense bill, the Legislative bill, and today we will finish the Labor-HHS bill. So a lot of the heavy lifting has already been done.

By the time we break for the August recess, if we are allowed to maintain the schedule that we have set, we will have passed 11 of the 13 appropriation bills, which is much better than we did last year because of some other budgetary problems. The remaining two bills will be out of the full committee by August recess, but there will not be time to schedule them for floor action, so we will take those up early in September. Senator STEVENS has advised me that we are going to move quickly in the conferences, so we should have our work done in a reasonable timeframe.

Again, I want to express my support for this bill. I want to express my appreciation for everyone who worked so hard to make this bill happen. This is not an easy bill. The defense bill is about half of the total discretionary funds. This bill is about one third of the remaining discretionary funds after defense, and so it is a big bill. The committee has done a good job, and I have tremendous respect for the committee and the subcommittee and the staff for the good job that they have done, understanding that a lot of people would like to have a lot more money, but there was only so much money to go around.

Anyway, I thank the gentleman, I appreciate his yielding time to me, and I support the bill.

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

Mr. Chairman, I forgot, but I want to state here and now that I have the greatest respect for the gentleman from Ohio (Mr. REGULA) and certainly the gentleman from Florida (Mr. YOUNG). And I know that the gentleman from Ohio, as chairman of this subcommittee, if more money would have been available, would have put the money in the right places. His heart is in the right place. I understand that.

My problem is that the policy of the majority party has prevented Chairman REGULA from being Chairman REGULA. The problem is that we are told as a result of the tax cuts that we can somehow afford $2 trillion in tax cuts over the next decade, over 40 percent of which are targeted at the wealthiest 1 percent of the people in this country, but somehow we cannot afford $3 billion, not trillion, but $3 billion more to educate our kids, or $3 billion more to help see to it that kids do not lose their health coverage in a time of national economic problems. I think that is a sad, sad commentary on the priorities of this Congress.

Mr. Chairman, I yield 6 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time; and let me start, as so many of us do on the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, by saying how much respect we have, affection we have for the chairman of our committee. No committee has a fairer chairman. No committee has a chairman any more committed to the welfare of the American people than the Committee on Appropriations. As we are blessed to have the gentleman from Florida (Mr. YOUNG) as the chairman of our committee, we are fortunate as well to have the gentleman from Ohio (Mr. REGULA) as the chairman of this subcommittee.

As the gentleman from Wisconsin (Mr. OBEY) has said, both of these gentlemen care deeply about this country and care deeply about the people of this country. I have served on this committee, as Chairman YOUNG said, with him for a long, long time. I do not believe this is the bill of the gentleman from Florida (Mr. YOUNG). I do not believe it is the bill of the gentleman from Ohio (Mr. REGULA). It is, however, their response to the realities that confront them, and the gentleman from Ohio pointed that out.

But, Mr. Chairman, on January 8, 2002, on a stage in Hamilton, Ohio, President Bush signed the bipartisan No Child Left Behind Act. Surrounded by Members from both sides of the aisle, including chairman of the House Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), and the ranking member of that committee, the gentleman from California (Mr. GEORGE MILLER), as well as Senators KENNEDY and

GREGG, the President recognized that the landmark legislation essentially was a contract with the American people. The No Child Left Behind Act demanded greater accountability and expectations in our education system; and in return, it promised, it contracted with States, with teachers, with parents, with America to provide educators greater resources to accomplish our shared goals and responsibilities.

Let me quote: ''A fourth principle of this act,'' the President said, ''is that we are going to spend more money, more resources, but they will be directed at methods that work.'' So we asked Maryland, we asked Ohio, and we asked Florida to perform certain responsibilities; but we said in the process that we would provide them the resources to accomplish those responsibilities.

Well, today, my colleagues, the Republican Party in this House of Representatives has decided, very frankly, that they will break its contract, the GOP's promise with the American people. This Labor-HHS-Education appropriation bill is an unflinching betrayal of the No Child Left Behind Act and a betrayal of children and parents and educators all over this country. While educators and local school districts all across this Nation have begun implementing the new accountability measures under this act, this bill falls $8 billion short of the promise that was made.

Our Republican friends undoubtedly will get up on this floor and say that they are increasing education funding. But here is what they will not say. The funding in this bill, after inflation, is tantamount to a funding freeze. Yes, my colleagues can provide $162 billion in estate tax cuts for the wealthiest families in America, a tax cut that will cost an estimated $750 billion in the decade after 2013, but they cannot keep their promise in funding the No Child Left Behind Act.

Two months ago, in the conference report on the budget resolution, this Republican majority promised, promised a $3 billion increase for the Department of Education. Today, it would underfund that commitment by $700 million, the smallest percentage increase in 8 years. Two months ago, this Republican majority promised an increase in IDEA funding, that is for the disabled children he spoke to, by $2.2 billion. Today, it would provide less than half that promised increase. Two months ago, this Republican majority promised an increase in title I funding by $1 billion. Today, it falls a third of a billion dollars short of that promise.

Furthermore, it cuts LIHEAP, low-income assistance. If Silvio Conte were here, a Republican from Massachusetts, he would be on the warpath saying how irresponsible that was. Even the Bush administration, in a statement of administration policy issued yesterday, and my distinguished chairman said some people say we are not spending enough money, well, ''some people'' includes George Bush, the President of the United States. He said he was disappointed that the LIHEAP funding level is $200 million less than he asked for. Not Democrats; that the President asked for.

In addition, this bill unravels our bipartisan commitment to increased funding for scientific and medical research. It slashes unemployment programs at a time when the unemployment picture is worse than it has been in a decade and where we have produced the least number of jobs of any administration in half a century. It fails to meet our commitment to address the nursing shortage, which the gentleman from Wisconsin (Mr. OBEY) spoke to as well.

Finally, I want to urge my colleagues to support the amendment that will be offered by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Wisconsin (Mr. OBEY) that would bar the Labor Department from spending money on regulations that undermine the 40-hour workweek once again. I urge my colleagues to vote against this bill.

Let me say in closing to my distinguished chairman that when he said we are not the Committee on Ways and Means, he is absolutely correct. But, my colleagues, we cannot, like Pontius Pilate, wash our hands of the responsibility of leaving children behind.

Vote against this bill. Vote for the Obey amendments to add the dollars necessary to fund what the President says we ought to do.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume to just comment and again point out that we have doubled education funding in the last 8 years. We have tripled the amount that goes to special needs children. We have a 2.7 percent increase in this bill over last year, and I think a lot of people in the United States will be happy to get a 2.7 percent pay raise. I am just saying we are doing the best we can with the resources that are available.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I think the gentleman is correct. And I said that at the beginning, that I think the chairman is doing the best with what he has been given. Our only argument is that he has not been given enough to meet the commitments made in the Republicans' budget and the President's request and the legislation we passed to leave no child behind.

But I think the gentleman is accurate, he has done the best he could with the resources he was given.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I would add one more comment. We have a different situation as a result of 9–11. We have responsibilities that have absorbed funds that otherwise might be available here.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a very valued member of our subcommittee.

□ 1145

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA) and compliment him on a good process in tough times.

I have listened to the discussion so far this morning, and I find there are two different schools of thought here on the floor. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. HOYER) I think believe from my long years of friendship with them, and I consider them friends, they believe that our future in this country depends on what we spend here.

I do not agree with that. I believe our future depends on the opportunities we provide to have good jobs for people to be self-sufficient, to be employed, and to pay taxes. All the programs we provide here help those who cannot participate in that and help them get the education they need and the health care they need.

We keep hearing about these horrible, huge tax cuts. A huge number of the taxpayers they keep talking about are employers. They are people who provide our children and our grandchildren jobs. They are the growth part of this country. They are individual family businesses who, through subchapter S corporations, pay the individual tax rate.

Now I have been in government quite awhile. I have been in business and government about the same length of time. I was in local government, State government and now in Washington. There is a rule that I believe in: If you want less of something, tax it. If you want less, tax it again. The more you tax something, the less you will have of it. If you want something to prosper, tax it less. The theory is the individual family businesses that pay that individual rate, they are the ones that are growing this country, not the global corporations, not these huge companies that we talk about. It is those family businesses. The more we tax them, the less their business can grow because as they make profits, and I know businesses that have poured all of their profits back into the company, buying machines, putting more people to work because they did not have to pay it in taxes.

We cannot have it both ways. The more we prevent them from growing, the more programs we are going to need to support the people that do not have jobs. So the tax cuts Members rail against are the hope of our young people, and I will debate that issue with Members any time.

We heard that in education title I, a $666 million increase was categorized as a $340 million cut. In IDEA, a $1 billion increase was characterized as a $1.2 billion shortfall, but let us talk about IDEA a minute. When I came here, we

were at 5–6 percent of the 40 percent that we had promised. We are now at 20 percent. That is a wonderful, huge increase that did not happen when the other party was in control.

NIH, we doubled their budget and they are now at $27.7 billion. This year they will have an additional $1.7 billion in new research funding. We can play with those numbers and some of last year's money went into construction of buildings and things, but in reality they will have a $1.7 billion increase in research funding.

To conclude my comments, yes, we stand for helping people have a job, and to help people have a job, we help businesses grow by cutting the individual tax rate that prevents them from putting that money back into their business. The big taxpayers in this country, the bulk of them are businesses that are putting our people to work. I am for growing them so that our social programs will be less needed.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I believe opportunity is the key, but I think it is very difficult to have opportunity if you do not have an education. It is very difficult to have opportunity if you do not have decent health.

The only choice before us is what we think is more important: Using $6 billion to provide better education for our kids and making sure that kids are not knocked off health care rolls around the country, or whether to use that $6 billion to make sure that people who make more than $1 million a year get an $88,000 tax cut rather than a $44,000 tax cut. That is the only issue before us here today.

I am highly amused when I hear Republicans come to the floor and talk about how much they have done for education. I want to show what the record shows because I negotiated every one of the education budgets for the last 10 years. I was one of the four people in the room when the numbers were decided.

Here is what happened. In fiscal year 1995, the Republican House majority tried to cut $1.7 billion from the previous education budget. They tried to abolish the Department of Education, and they even shut down the government to try to force President Clinton to swallow those priorities. They lost.

In fiscal year 1996, the House Republicans tried to cut $3.6 billion from the previous year's education funding. They lost.

In 1997, the House Republicans tried to cut $2.8 billion from the Clinton budget for education. They failed.

In 1998, the House Republicans tried to cut $660 million from the Clinton education budget. They failed.

In fiscal year 2000, the House Republicans tried to cut $1.4 billion from the Clinton budget, they failed.

In 2001, they tried to cut $3 billion out of the Clinton budget for education. They failed.

Now they are trying to take credit for their failures. I find that interesting; I find that fascinating. I would call it near-Enron accounting. By all means if they want to climb on board and claim that they were funding that they tried to stop, be my guest. The country knows otherwise. Nobody believes them. All I can say is that in Washington the worse thing that can happen to a politician is when they believe their own baloney, and we have heard a lot of it here today.

THE HOUSE REPUBLICAN RECORD ON EDUCATION FUNDING

Lately, the Republican Majority has attempted to claim credit for education funding increases, and to reinvent their record on education. Just a few years ago, however, Republicans were calling for the demise of the Department of Education and billions in education cuts.

If the House Republican position on education had prevailed over a 9-year period, House Republicans would have spent $20 billion less on education.

One of the first actions of the new House Republican majority in the spring of 1995 was to rescind $1.7 billion ($1.635 billion in HR 1158 and $65 million in HR 889) in FY 1995 education funding. Democrats succeeded in reducing the final rescissions to less than $600 million.

House Republicans then led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $20.8 billion for the Department of Education—a cut of $3.6 billion below the already-reduced FY 1995 level and $5.0 billion below President Clinton's education request. The House Republican LHHS bill was $2.0 billion below the final conference version of the LHHS bill supported by Democrats, which restored the majority of the Republican cuts.

House Republicans passed a FY 1997 LHHS-Education appropriations bill that provided $22.8 billion for education, a cut of $2.8 billion below the request and $3.6 billion below the final conference level for education. Democrats and President Clinton were successful not only in reversing these Republican-led cuts, but increasing education funding in real terms, to the funding levels approved in the last Democratic Congress.

Following the 1997 bipartisan budget agreement, the FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $29.3 billion for education. Democrats secured an additional $410 million in the final conference version of the bill.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $30.5 billion for education, $2.6 billion less than the $33.1 billion provided in the final conference agreement on LHHS.

In the House of Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—$33.3 billion was included for education, nearly $2.4 billion less than the $35.7 billion included in the final conference agreement.

In FY 2001, House Republicans included $37.1 billion in the House-passed Labor-HHS-Education Appropriations bill. This amount was a stunning $.9 billion below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the House-passed LHHS bill provided $49.3 billion for education, an increase of $4.7 billion over the Bush request. The House level was scaled back slightly (by $336 million) in the final conference agreement.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that provided the President's request of $50.3 billion. This Republican LHHS bill was $2.8 billion below the final level agreed to in the FY 2003 omnibus bill.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	25,804	20,797	22,812	−5,007	−2,016
FY 1997	25,561	22,756	26,324	−2,805	−3,568
FY 1998	29,522	29,331	29,741	−191	−410
FY 1999	31,185	30,523	33,149	−662	−2,625
FY 2000	34,712	33,321	35,703	−1,391	−2,383
FY 2001	40,095	37,142	42,092	−2,953	−4,949
FY 2002	44,541	49,268	48,932	4,727	336
FY 2003	50,310	50,310	53,113	0	−2,803
FY 1996 to FY 2001	186,879	173,870	189,820	−13,009	−15,951
FY 1996 to FY 2003	281,730	273,448	291,865	−8,282	−18,418
FY 2004	53,139	55,380	na	2,241	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in H.R. 246, a LHHS bill introduced by Chairman Regula. Shaded areas are years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill. Figures reflect CBO scoring which may differ from OMB scoring in certain years.

In FY 1995, the House GOP proposed $1.7 billion in rescissions, of which $577 million were enacted.

REPUBLICAN RECORD ON TITLE 1

If House Republicans had had their way, funding for Title 1 would have been cut between FY 1996 and FY 2003 by a net total of $3.4 billion below the final levels that were enacted into law.

House Republicans led an attack on education in the FY 1996 Labor-HHS-Education appropriations bill when they proposed only $5.6 billion for Title 1—slashing Title 1 funding by $1.14 billion below the previous year's level. The House Republican bill was $1.18 billion below the final conference version of the LHHS bill which rejected the Republican cuts.

In FY 1997, House Republicans included $6.8 billion for Title 1 grants in the FY 1997 LHHS-Education appropriations bill, a cut of $414 million below the request and $443 million below the final conference level for education.

Following the 1997 bipartisan budget agreement, the House-passed FY 1998 LHHS-Education appropriations bill included a bipartisan agreement to provide $7.7 billion for Title 1, an increase of $150 million over the request. This amount was scaled back slightly in conference to $7.5 billion.

House Republicans were back to their old tricks in FY 1999. They could not even pass their FY 1999 LHHS bill—it was so mired in controversy. The Republican LHHS bill reported by the Appropriations Committee included $7.4 billion for Title 1, $421 million less than the $7.7 billion provided in the final conference agreement on LHHS.

In the House Republican FY 2000 Labor-HHS-Education bill reported by the Committee—a bill that never saw the light of day on the House floor—Republicans proposed to freeze title 1 funding at $7.7 billion—$209 million less than the $7.9 billion included in the final conference agreement.

In FY 2001, House Republicans again proposed to freeze Title 1 grants at $7.9 billion in the House-passed Labor-HHS-Education Appropriations bill. this amount was $660 million below the amount secured by the Clinton White House and Congressional Democrats for education in the final conference agreement ultimately reached in December 2000.

In FY 2002, House Democrats succeeded in obtaining a commitment from President Bush to support another $4 billion for the FY 2002 LHHS 302(b) allocation. As a result, the bipartisan House-passed LHHS bill provided $10.5 billion for Title 1, a $1.7 billion increase that was the largest increase in the program's history. This amount was slightly scaled back (by $150 million) in the final conference agreement to $10.35 billion.

In FY 2003, House Republicans punted on the Bush education budget, which would have cut No Child Left Behind programs by $90 million—until after the elections. Although they failed to hold a subcommittee or committee mark up, House Republicans introduced a LHHS bill that included $10.85 billion for Title 1, cutting the President's request by $500 million. This Republican LHHS bill was $834 million below the final $11.7 billion included for Title 1 in the FY 2003 omnibus bill.

TITLE 1 GRANTS TO SCHOOL DISTRICTS

[Discretionary budget authority program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	7,000	5,555	6,730	−1,445	−1,175
FY 1997	7,165	6,751	7,194	−414	−443
FY 1998 [1]	7,541	7,691	7,495	150	195
FY 1999	7,767	7,375	7,796	−392	−421
FY 2000	7,996	7,732	7,941	−264	−209
FY 2001	8,358	7,941	8,602	−416	−660
FY 2002 [1]	9,062	10,500	10,350	1,438	150
FY 2003	11,350	10,850	11,684	−500	−834
FY 1996–2003				−1,842	−3,397
FY 2004	12,350	12,350	na	0	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed Labor, HHS, Education Appropriations Bill.

REPUBLICAN RECORD ON IDEA PART B STATE GRANTS

If House Republicans had had their way, funding for IDEA Part B State Grants—which finance the federal contribution toward excess special education costs—would have been cut between FY 1996 and FY 2003 by a net total of $2.8 billion below the final levels that were enacted into law.

In FY 1996, the House Republican LHHS bill proposed to freeze IDEA Part B state grants at $2.3 billion, and the final conference level was $2.3 billion. This was a $88 million cut below President Clinton's request of $2.4 billion.

In FY 1997, the House Republican LHHS bill would have frozen IDEA Part B state grants funding at $2.3 billion—a level $279 million below President Clinton's request of $2.6 billion and $784 million below the final conference level of $3.1 billion.

In FY 1998—a bipartisan year in which Democrats supported the LHHS bill—the LHHS bill adopted by the House provided $3.4 billion for the IDEA Part B state grants, $185 million more than the request. Democrats secured an additional $375 million in conference above the House level for a final appropriation of $3.8 billion.

In FY 1999, the House Republican LHHS bill provided $4.3 billion for IDEA Part B state grants and this level was enacted in the final, conference agreement.

In FY 2000, the House Republican bill provided $4.8 billion for IDEA Part B state grants, $179 million below the final conference level of $5.0 billion.

In FY 2001, the House Republican bill provided only $5.5 billion for IDEA Part B state grants, an amount that was $850 million below the final $6.3 billion approved in conference.

In FY 2002—a bipartisan year in which Democrats supported the LHHS bill—the House-passed LHHS bill provided $7.7 billion for IDEA Part B state grants, a $186 million increase over the final conference level of $7.5 billion.

In FY 2003, the House never even considered the LHHS bill. However, the Republican LHHS bill introduced by Chairman Regula recommended $8.0 billion for IDEA Part G state grants, a $500 million cut below the President's request and $846 million below the final conference level.

IDEA PART B STATE GRANTS

[Discretionary budget authority, program level, millions of dollars]

	Request	GOP House	Conference	GOP House compared to request	GOP compared to conference
FY 1996	2,412	2,324	2,324	−88	0
FY 1997	2,603	2,324	3,108	−279	−784
FY 1998 [1]	3,241	3,426	3,801	185	−375
FY 1999	3,811	4,310	4,310	499	0
FY 2000	4,314	4,811	4,990	497	−179
FY 2001	5,280	5,490	6,340	210	−850
FY 2002 [1]	7,340	7,715	7,529	375	186
FY 2003	8,529	8,029	8,874	−500	−846
FY 1996–2003				898	−2,847
FY 2004	9,529	9,874	na	346	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed LHHS bill.

INDIVIDUALS WITH DISABILITIES ACT

Fiscal year	Children served (000)	Appropriation ($000)	Dollar increase in appropriation	Percent increase in appropriation	Federal share as a % of APPE
1977	3,485	251,770	na	na	5
1978	3,561	566,030	314,260	124.8	10

INDIVIDUALS WITH DISABILITIES ACT—Continued

Fiscal year	Children served (000)	Appropriation ($000)	Dollar increase in appropriation	Percent increase in appropriation	Federal share as a % of APPE
1979	3,700	804,000	237,970	42.0	13
1980	3,803	874,500	70,500	8.8	12
1981	3,941	874,500	0	0.0	10
1982	3,990	931,008	56,508	6.5	10
1983	4,053	1,017,900	86,892	9.3	10
1984	4,096	1,068,875	50,975	5.0	9
1985	4,124	1,135,145	66,270	6.2	9
1986	4,121	1,163,282	28,137	2.5	8
1987	4,167	1,338,000	174,718	15.0	9
1988	4,236	1,431,737	93,737	7.0	9
1989	4,347	1,475,449	43,712	3.1	8
1990	4,419	1,542,610	67,161	4.6	8
1991	4,567	1,854,186	311,576	20.2	9
1992	4,727	1,976,095	121,909	6.6	8
1993	4,896	2,052,728	76,633	3.9	8
1994	5,101	2,149,686	96,958	4.7	8
1995	5,467	2,322,915	173,229	8.1	8
1996	5,629	2,323,837	922	0.0	7
1997	5,806	3,107,522	783,685	33.7	9
1998	5,978	3,801,000	693,478	22.3	11
1999	6,133	4,301,000	500,000	13.2	11
2000	6,274	4,976,685	675,685	15.7	12
2001	6,381	6,323,685	1,347,000	27.1	14
2002	6,483	7,512,533	1,188,848	18.8	16
2003	6,580	8,858,398	1,345,865	17.9	18
2004 Request	6,672	9,512,533	654,135	7.4	19

Note.—Annual appropriations exclude funding for studies and evaluations.
Source: Data provided by the U.S. Department of Education Budget Service.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Just to keep the record straight, the Democrats had control of the Presidency, the House and the Senate in fiscal years 1994 and 1995. During this time, Congressional Democrats voted to cut the Department of Education by over $3 billion below levels recommended by President Clinton. The fiscal year 1994 increase was only 3.6 percent, and 1995 was only 2.4.

In fiscal year 1993, a Democrat-controlled House and Senate passed a final bill that cut President Bush's education budget by nearly $700 million. I think we have to stick with the facts here today. It is obvious that there have been some different approaches in the past.

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

Mr. Chairman, I received unanimous consent earlier to insert a table after my remarks, which I will do, which will lay out clearly what the record has been over the last 10-year period.

All I would say in further rebuttal to my good friend: Regardless of what each of us argues the past shows, the issue today is whether we are for $6 billion more for education and health care for kids and sick people, or whether you are for using that $6 billion to make sure that our struggling millionaires get a double-sized tax cut. I think the public will see by the votes who is for what.

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In FY 1995, the House GOP proposed $1.7 billion in rescissions, of which $577 million were enacted.

THE HOUSE REPUBLICAN RECORD ON EDUCATION FUNDING

Lately, the Republican Majority has attempted to claim credit for education funding increases, and to reinvent their record on education. Just a few years ago, however, Republicans were calling for the demise of the Department of Education and billions in education cuts.

If the House Republican position on education had prevailed over 9-year period, House Republicans would have spent $20 billion less on education.

One of the first actions of the new House Republican majority in the spring of 1995 was to rescind $1.7 billion ($1.635 billion in HR 1158 and $65 million in HR 889) in FY 1995 education funding. Democrats succeeded in reducing the final rescissions to less than $600 million.

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

Mr. Chairman, I think that debate was held when we had the Ways and Means bill. Today we have to work with what we have.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), a valued member of our subcommittee.

Mr. WELDON of Florida. Mr. Chairman, I commend the gentleman from Ohio (Mr. REGULA) and the full committee chairman for bringing this bill to the floor. This bill funds a lot of critical health investments, but being a Republican, I must say that in many past years I have been very concerned about this bill. It would often have significant increased levels of funding well above and beyond the inflationary level. We would have inflation going at 2 and 3 percent, and in some of these previous Labor-HHS appropriations bills, there have been 10–15 percent funding increases.

I was particularly concerned about this issue this year. We have had a significant decline in revenue into the Federal Treasury, mainly due to the recession. We have had significant expenses associated with the war on terror, the wars in Afghanistan and Iraq, and I think the chairman of the Committee on Appropriations should be commended. He has brought a bill to the floor that is a total of $138 billion, $46 million over the budget request, $3.6 billion over comparable levels of last year.

I think it funds education, I think, adequately under the circumstances that we are in. And I must reiterate what the chairman has already said: We have doubled education spending over the last 8 years. Some of the other programs that I am particularly interested in, it provides the third year of the President's initiative to expand health services through community health centers. I have seen these programs in action firsthand. I think they are a very effective use of health care dollars, Federal tax dollars, in providing needed health care to some of the poorest in our country.

And the chairman just made some very good points. We are the majority. We have to be the responsible adults here. If we look at the Democratic record when they were in the majority, they frequently underfunded below the authorization levels in a lot of these programs. For example, the Democratic past Labor-HHS bill back in I believe it was 1994, that year increased education spending by only 2 percent. The chairman pointed out a reduction of $3 billion in 1995.

The issue here is it is easy to pass an authorization bill, but to find the dollars to fund it is always a challenge, and I think the chairman has done really an outstanding job in meeting that requirement.

Now, regarding the business about the tax cuts, if we did not cut taxes, supposedly we would have more money for this bill. Well, let us look at what those tax cuts are doing. Some of the tax cuts, they are going to the child credit. These are families that are going to get more money to pay for the cost of raising their kids. It is money that is going to go right back into the economy.

Then, of course, the gentleman from Pennsylvania (Mr. PETERSON) laid this case out very, very nicely. When we cut the rates, the majority of job growth in this country has been in the small business sector. Most small businesses pay at the personal level, and most of those small businesses, if you leave more money with them, if you tax them less, they are going to leave it in the business, and it will be easier for them to create jobs. Today we had another posting of unemployment up. I think most Americans want to see, more than funding for all of these various Federal programs going up much higher than the inflation level, would rather see people getting a job.

I stand by our tax cut package. I think it was the right thing to do. It was badly needed to get this economy going. Once we get this economy going, we are going to have more money into the Federal Treasury to better enable us in the years ahead to meet the requirements of all these various programs that the Federal Government is involved in funding.

I would encourage my colleagues, conservatives, liberals, Democrats, Republicans, to support this bill. I think this is a very, very good bill in the context of where we are today. We have a recession. We have a war on terror going on. We have problems in Iraq still. Yet we have a fairly good bill that increases funding for most of these critical needs areas slightly. I think it is a very responsible, mature, adult bill. I again commend the chairman.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, let me begin by expressing my appreciation to the ranking member, the gentleman from Wisconsin (Mr. OBEY), and to the gentleman from Ohio (Mr. REGULA). It is an honor to serve under the gentleman from Ohio (Mr. REGULA).

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The chairman indicated at the beginning of his remarks there are two real roles, goals, responsibilities, if you will, for government under the Constitution: to provide for the common defense and to provide for the general welfare. Just a few days ago, the Congress of the United States voted in the amount of $369.1 billion to provide for the common defense; and the other constitutional provision for which the chairman spoke, providing for the general welfare, today we will vote in the amount of $138 billion. Go figure. If we are providing for the common defense, a clear responsibility under the Constitution, providing for the general welfare, $138 billion, certainly the Federal Government has room for improvement on this question.

The key here is the 302(b) allocation for this bill, which limited our committee to $138 billion. The 302(b) allocation for this bill woefully underfunds a number of programs.

Mr. Chairman, I rise in strong opposition to this bill that is before us today. Today we are considering the bill which assists the most vulnerable in our Nation. This bill provides assistance to the unemployed and job training to those who need the skills. This bill provides health care treatment, research, prevention funds to those who are ill; and this bill provides funds for the great American equalizer. What was unclear in the chairman's statement was whether or not he advocated for more funds under the 302(b) allocation for this bill. If he advocated for more funds for the Labor, Health and Human Services bill, then he cannot at the same time say that the funding for this bill is adequate because it is inadequate if he argued for more funds under the 302(b) allocation.

Mr. Chairman, this bill does provide more money for title I, but it does not provide adequate money. Title I is the primary Federal program that helps school districts meet the new accountability and academic results mandated by the Leave No Child Behind Act. With the title I funding, low-income, low-performing children are able to get help particularly with reading and mathematics, the two subjects that the No Child Left Behind Act requires be tested in grades three through eight beginning in 2005. Title I is a critical source of funding for high-poverty schools. In adopting the rigorous new accountability standards in title I, Congress on a bipartisan basis agreed to phase in increased title I payments over several years. For fiscal year 2004, the No Child Left Behind Act authorizes $18.5 billion with additional increments each year through 2007. The majority's fiscal year 2004 budget resolution promises $1 billion, or 9 percent increase over fiscal year 2003 for title I grants for school districts for a total of $12.7 billion.

Mr. Chairman, it is clear that title I falls woefully underfunded in the chairman's mark.

The Majority's FY 2004 Budget Resolution promised a $1 billion or 9 percent increase over FY 2003 for Title 1 grants to school districts, for a total of $12.7 billion. Yet, the Committee bill provides only the President's request of $12.4 billion a—$666 million or 6 percent increase over last year and the smallest increase in 4 years—and falls $334 million short of their promise.

The Democratic Substitute offered in full Committee mark-up would have eliminated this gap by providing the additional $334 million for Title 1 grants, for a total of $12.7 billion. These funds would have allowed schools to hire an additional 6,600 teachers to provide high quality instruction to about 140,000 disadvantages children who are falling behind.

The $12.4 billion included in the Committee bill for Title 1 is $6.15 billion below the amount targeted in the NCLB Act. Let me say that one more time—$6.15 billion is below the amount targeted in the No Child Left Behind Act. With the additional $6.15 billion, an additional 120,000 teachers could have been hired to provide instruction to approximately 2.5 million low-income children across this country.

NCLB imposes significant new mandates on Title 1 schools, including new annual testing requirements in grades 3–8, ''adequate yearly progress'' to achieve academic proficiency for all children disaggregated by low-income, minority, limited English proficient, and children with disabilities status, new teacher and paraprofessional qualification standards, new data collection and reporting, and additional parental notice requirements.

More than 8,600 Title 1 schools, enrolling 3.5 million disadvantaged students nationwide, have been identified as failing to meet state academic standards. These chronically failing schools will face additional sanctions under the No Child Left Behind Act if they do not improve their academic performance. More schools will be labeled failing as states implement new ''adequate yearly progress'' requirements.

High-poverty schools have the greatest challenges, but the least experienced teachers, lower teacher salaries, and higher teacher turnover-factors with a negative correlation with student achievement.

Since FY 1996, Title 1 funding has increased from $6.7 billion to $11.7 billion, an increase of $5.0 billion or 75 percent. However, these increases were in spite of, not because of, House Republicans.

If House Republicans had had their way, they would have cut Title 1 funding by a net $1.8 billion between 1996–2003. House Republicans tried to slash Title 1 funding below the President's requests by $1.4 billion in FY 1996, $414 million in FY 1997, $392 million in FY 1999, $264 million in FY 2000, $416 million in FY 2001, and $500 million in FY 2003. In total, these cuts of $3.4 billion were offset by increases of $1.6 billion in FY 1998 and FY 2002—two bipartisan years when Democrats secured additional education funding for the LHHS bill.

Again, Mr. Chairman, I am strongly opposed to this bill. In January 2002, the President signed into law Congress' commitment to the most vulnerable children in America—Title 1. This bill falls $6.15 billion short of that commitment.

Mr. REGULA. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. WICKER), a very valued member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman for yielding me this time.

Some years ago when I first came to this House of Representatives, I was afforded an unusual honor. I was a freshman appointed to the Committee on Appropriations, and at that same occasion I was given an opportunity to be on this very important subcommittee; and I have had the privilege of serving for some 8½ years in this capacity and watching these debates year after year. I would submit, Mr. Chairman, that those Americans following this debate today and down through the years get a pretty good idea of the dynamics going on in this House concerning spending bills.

First of all, I want to echo what some of my colleagues on the Democratic side of the aisle have said. We all have a great deal of affection, Democrat and Republican, for the gentleman from Ohio (Chairman REGULA) and the gentleman from Florida (Mr. YOUNG), the chairman of the full committee. Likewise, I have great respect and affection for the intellect and determination and hard-work ethic of the gentleman from Wisconsin (Mr. OBEY). We will roll up our sleeves. We will debate in an honest manner. We will come up with a result, and then we will slap ourselves on the backs as Americans and say that we have done the best that we could do for our country and for our constituents. So we are all agreed that we cast no aspersions on each other as human beings.

My friends on the Democratic side of the aisle simply have a different philosophy of government than we do on this side of the aisle. They wish that we could spend more money on this bill, and they wish that we could spend more money on a lot of bills, and that is their true feeling; and they also feel that if only we could tax more, if only taxes were higher, then we could spend more money on the programs that they believe in.

In response to some of the charges that have been made and some of the statements that have been made by those who are going to oppose this bill today, the gentleman from Ohio (Mr. REGULA), my chairman, has pointed out that this Republican majority has doubled education spending, has tripled special needs education spending, and has doubled research under the National Institutes of Health. And in response to those remarks about huge increases in Federal spending, frankly some of my Republican colleagues, some of my more conservative Republican colleagues actually have concern about that level of increase. They are troubled that we have increased spending so much. They are a bit embarrassed by that, and they say that we did not come here to increase the size of government.

So the gentleman from Ohio (Mr. REGULA), my friend and chairman, has had to strike a balance and come up with a product that will be able to get a 218-vote majority and move this legislation forward. There are 13 bills that must pass this House of Representatives, or we are not doing our duty, and they are the 13 appropriation bills. This is one of the largest and most significant of those, and the gentleman from Ohio (Mr. REGULA) has done a good job in balancing those competing dynamics and coming up with a very reasonable bill.

As has been pointed out by some of my colleagues, this bill tries to hold program level growth and discretionary spending to a 2.7 percent increase from last year. At the same time, it provides the third year of the President's initiative to expand health services through the Community Health Centers program, a program that the President believes in and that he campaigned on in the year 2000. It increases funding for medical research, supported by the National Institutes of Health, by $680 million on top of the doubling of NIH funding that we have had over the past 5 years, which was a bipartisan commitment.

In order to frame the debate today, my friends on the Democratic side of the aisle will want to reopen the debate on the tax cut bill which of course has already been passed and already been signed into law. Their contention is that the rich have gotten too much in terms of tax cuts and that if only we would tax the rich a little more, then we could do some more of the kind of spending that they would like to do. I contend that this type of class warfare does not serve our Nation well, and it does not accurately reflect the truth about our Tax Code.

The truth is that during the past few years taxes on the richest Americans have increased by some 250 percent. In addition, it might interest Americans and my colleagues to know that the top 50 percent of wage earners in the United States pay 96 percent of all Federal taxes. The top 10 percent of earners in America—the top 10 percent—pay 67 percent, and even after our tax cuts, the top 1 percent of earners are still paying 37 percent of the taxes which our Federal Government receives.

Mr. Chairman, we will end the fiscal year on September 30. Unfortunately, we will finish with a $400 billion deficit. We are told by economists that some $300 billion of this deficit is due to the weakness in our economy. The last thing we want to do in a weak economy is start unraveling the tax cut which we passed for the very purpose of getting this economy stimulated. We need to create jobs both in large industry but also in the private sector with our small business individuals. We think the tax cut bill that has been signed into law by President Bush will create jobs. We think that the same Americans who are benefited by the programs

in this bill will also be benefited up and down the economic spectrum by the tax cuts because the economy will improve. So I say that we should certainly vote for this bill. I support my chairman entirely. I hope we will reject the amendment as offered by the Democrats, and I thank the chairman for yielding me this time.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to say there are no two people more committed to education of our young children than the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA). And the budget that we are presented today, or the funding that we are presented today, in this legislation is not of their doing. That decision was made a long time ago when the decision was made to provide for the tax cuts to go out and borrow $2 trillion and give it away in tax cuts, and the result is that we do not now have a sufficient amount of money to fund the promises that were made by this administration, by this Congress for the education bill of leaving no child behind. I am very proud to have been one of the four primary cosponsors of that legislation, to be one of the architects of that legislation. I believe that the reforms that we are asking to come about in that legislation are changing education in America, are giving children who never had an opportunity before, children who were lost in the system, an opportunity. But that legislation is the most significant reforms of the Federal role in elementary secondary education in 35 years.

Constantly, as we met and talked with the President of the United States, we talked about whether or not if we did the reforms would we have the resources, and we were assured we would have them. But today is when the rubber meets the road because today this is the appropriations bill. This is when we decide the real money that we will spend, and of course what we now see is the money that was promised in Leave No Child Behind is not in this legislation. It is not here for teacher professionalization, it is not here for title I, it is not here for after-school, all of which are key components to improving the educational experience and the success of America's children, especially America's poor and disadvantaged children.

We make it a keystone of this legislation, and it is a key to improving education and that is that we have a qualified teacher in every classroom within 4 years; and yet, of course, we see here that the funding is not available. Just yesterday the Republicans promised an additional $300 million for the Ready to Teach Act and yet the money for current teachers for professionalization is not in this legislation. It is short over $200 million, $240 million that would go to taking those thousands of teachers who are not presently certified, qualified to teach the subjects they are teaching, and get them certified and get them qualified so they can teach our children what they should be learning and our children will have an opportunity to learn it.

This appropriations bill, because of the budget decisions made by the Republicans and the administration, is a series of broken promises, promises made by the President of the United States when he signed this legislation, promises made by this administration and made by this Congress to America's parents, to America's children, to our schools, our school districts, that we would provide the resources to carry out these reforms, the annual assessment of children, the determining of which children are doing well and which need additional help. All of that is now threatened by the failure to provide this funding. It is not enough to say we double the funding in past or we tripled the funding in past. This is a brand-new game. It is a brand-new game based upon these very significant, important reforms.

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The fact of the matter is there was a bipartisan agreement reached on the money that was necessary to carry out these reforms, and now we are reneging on that, and yet we are continuing to ask school districts to go forward with these reforms. We are continuing to ask school districts to make sure that every teacher is qualified, but we are not going to provide the resources to do that.

We have here the smallest increase in the past 8 years in education. Yes, it is an increase, but the question we should ask, just as we ask in many other parts, is is it sufficient to get the job done as the American public expects?

The fact of the matter is this provision in education funding in this legislation is not sufficient to do that. It is not going to provide the outcomes that we want for America's children. It is going to leave millions of children behind to a substandard education, trapped into results of that substandard education, and the loss of economic opportunity in America's society.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think we just have to keep the record straight today, and this is a fact. What was promised by President Bush and congressional Republicans in No Child Left Behind was that Federal K–12 education spending would increase substantially, linked for the first time to accountability and high standards, and that is precisely what has happened.

Title I, disadvantaged students, the primary spending program in the No Child Left Behind increased during the first 2 years of President Bush's administration more than it did during the previous 7 years combined under President Clinton.

Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. CUNNINGHAM), a valued member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman I thank the gentleman for yielding me time.

Mr. Chairman, many of us, when we came to the Committee on Education and the Workforce, I came off the authorization committee for education and got on appropriations, I had concern when John Porter retired. I did not know who on the Republican side could fill the shoes of John Porter, one of the most caring individuals that I have ever known as far as education, medical research and the issues that we have in this bill today.

Well, I want to tell you something. The gentleman from Ohio (Chairman REGULA), and I think the gentleman from Wisconsin (Mr. OBEY) would agree, has more than filled those shoes. He cares deeply about those programs, education, medical research and the other issues, and he has done everything he can to bring this bill forth that helps people.

If you vote against this bill, there is an increase in IDEA, you are going to vote against that. If you vote against this bill, there is an increase in Pell grants. You are going to vote against those increases. Maybe not as much as you want, but there is an increase, and you will vote against it.

Be partisan if you want. This bill has got a lot of good things. None of it has the things that all of us want. I would like to see, under a different economy, more into education. And I think if you take the ''tax rate for the rich'' argument, if tax relief was static, then they would be right. But it is not. President Kennedy, former President Bush, this President Bush know that when you stimulate the economy and you have more revenue coming in to the Treasury, you will have more money for the economy and for education. That is what we believe, not that we are giving money away to ''the rich.''

My friends on the other side will say, well, they drug the Republicans kicking and screaming for education. Well, no skid marks. And I want to tell you, on this chart, if they drug us through the muck to raise education funding, look at 1995 and prior and where they funded education. I will submit these charts for the record. But they sure did not drag their own party to increase education, because look at the level at which the increase in education was and what it is now.

My colleagues on the other side know there is a regular process. The other body, that many of us call the House of Lords, no matter what figure we put in for any one of the 13 appropriations

bills, they will load it with pork. Traditionally, the Democrats did so, too, when they were in the majority, and that is, I think, a little bit of these figures that go into that as well. But they knew in conference there was a negotiation, and this bill will be negotiated in the conference as well.

I think if you look at the number of increases, Republicans did not do it all by ourselves. The gentleman from California (Mr. GEORGE MILLER) over there, I laud what he did in working with the President, and we did that in a bipartisan way. I think we can get through this bill the same way.

If you take a look at IDEA, the gentleman from Wisconsin (Mr. OBEY) yesterday said they increased IDEA 7 percent every year. That is true. But when you increase IDEA from 2 percent of funding or 3 percent of current level, it is not very much, and the maximum was 6 percent. We are up to like 18 percent now in the last 5 years. That is a significant increase.

Did Republicans do that alone? Absolutely not. We did it with the help of the gentleman from Wisconsin (Mr. OBEY), we did it with the help of our Speaker and with the Members of the other body. Unfortunately, on the floor today there is more partisan wrangling for an election coming up than there is sitting down and really wanting to work on these bills, and that is disconcerting.

I have brought forward that my real concern is that we are increasing a lot of these funds for Title I, and we did in the previous years, too, with the help of my friend the gentleman from Wisconsin (Mr. OBEY) as well. But in California, Governor Davis, for example, Title I, the extra money we got in the formula fight and increases in funding, he has taken that money and is putting it into county mental health.

IDEA, which we fight for, my sister-in-law is head of IDEA for Alan Bersin, Superintendent of city schools, who was working under President Clinton, and I am supporting him. He is a good guy trying to do the right thing. But Governor Davis is cutting the State money and using the Federal money to drive the engine of IDEA and cutting a lot of people out. There is never enough money there that we can put in to solve all of these problems. I would say all the way from Pell Grants to Impact Aid, all of these programs are being cut.

My concern is the State of California and the lack of leadership of Governor Davis. He is crucifying the education programs.

Let me go to another area. The gentleman from Wisconsin (Mr. OBEY) could really ping on me on this if he wanted to, because when I came here as a freshman, I did not support the National Endowment for the Arts or NIH. I still do not support the National Endowment for the Arts. I thought they were a waste of money.

Then Speaker Gingrich came to me and said, Duke, look at it fiscally. Look at a child with diabetes. If we can get in with early detection and intervention and healthy living, we can stop kidney dialysis, the child going blind, amputation, re-hospital visits, and those dollars we will have to apply to Medicare more.

Then I went back and trumped Speaker Gingrich, who is controversial on your side, but he really had his heart in the right direction as far as NIH. I went back with John Porter and said it should be a Republican policy to double medical research, because it is the one thing that we can do to give back. You converted me, and we have done that.

In this bill, do we keep adding the money for NIH? No. We have doubled it, and now we want a COLA to maintain. If you take out construction, which can be delayed, it actually increases it 6 percent. And we did not get here alone. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Wisconsin (Mr. OBEY) and Speaker Gingrich and the gentleman from Ohio (Mr. REGULA), all of us have worked on this. I just wish I would hear a little less partisan wrangling on the floor and more coming together, because I know, my friend, the gentleman from Wisconsin (Mr. OBEY), we have done that before. I would like to continue to do that.

Mr. Chairman, I include the following for the RECORD:

[Charts not reproducible in the RECORD.]

SPECIAL EDUCATION

For too long, America has measured success in special education by money and regulations—not by whether disabled children are learning.

The bill provides record funding of $9.9 billion to help the states. That means more than $1,400 per special education student. This year, a new authorization will focus on instruction methods, curricula, teacher training, and education strategies, that help identify early and accurately as well as treat swiftly the needs of disabled children.

NEW SOLUTIONS FOR TEACHING DISABLED CHILDREN BETTER

There are many challenges facing special education.

For some parents, special education laws and regulations can be a morass of bureaucracy and unmet needs leading to frustrating conferences, meetings, even court rooms. But for the vast majority of parents (67%), they rate their schools as ''good'' or ''excellent.''

As a recent survey of members of the National Schools Boards Association noted, almost 9 in 10 (88%) identified special education as an issue of ''moderate'' or ''significant concern.''

For special ed teachers, special education laws and regulations can mean reams of paperwork that keep them out of the classroom.

For some educators, special education laws mean extra class work as a nurse, a psychologist, or a social worker when trying to help a student while teaching a full class.

For school officials, special education can mean tough choices about resources and other students' needs, pitting some programs against others.

No Child Left Behind applies to every student—including those with disabilities.

Under the bipartisan law, every state must set clear and high standards for what students in each grade should know and be able to do in the core academic subjects of reading, math, and science.

States will measure each student's progress toward those standards with tests aligned with those higher standards.

The law requires that all schools be held accountable for the learning of every student.

We have to identify special needs early and accurately . . .

Of the 6.5 million children in special education, half of those who are in special education are identified as having a''specific learning disability.'' In fact, this group has grown over 300% since 1976.

Of those with ''specific learning disabilities,'' 80% are there simply because they haven't learned how to read. We must change that by promoting solid curricula, good teachers and involved parents.

Children of minority status are overrepresented in some categories of special education. The fact is African-American children are twice as likely as white children to be labeled as having mental retardation and placed in special education.

. . . and get children help swiftly and surely.

By focusing on scientifically tested, evidence-based research we can end the fads that force many children into special education.

By focusing on programs that work we can find the best ways to teach children including how to meet unique learning needs. To this end, No Child Left Behind funds only scientifically based teaching materials.

And, through the President's Early Reading and Reading First initiatives, reading programs will be supported that use proven methods, equip teachers to intervene when problems arise, and allow educators to build on strengths and target learning needs.

We must move from a culture of compliance to a culture of accountability and results.

This year Congress has the opportunity to resolve these issues. The Individual with Disabilities Education Act is set for reauthorization. Now is the time for reform.

The Education of the Handicapped Act of 1975 (now IDEA) requires that every child with disabilities receive a free and appropriate education in the public schools. Millions of children have benefited.

But too many fail to catch up.

Congress has poured billions of dollars into special education. It's time to measure progress not dollar signs.

We must heed the plea of families and make the system simpler.

We must heed the plea of teachers and reduce the paperwork and increase their time in the classroom. A tree should not fall every time a child enters special education.

Special education money must yield results—not encourage districts to put children in special education to get more federal money. The percentage of children in special education has soared from 8% in 1976 to 13% in 1997.

Politics should stop at the schoolhouse door.

That's why President Bush appointed experienced educators to a special commission to find out how to best serve children with disabilities.

The Commission on Excellence in Special Education looked at ways to make sure lesson plans, textbooks, and teaching methods are scientifically proven to get results so that early classroom experiences help not exacerbate learning difficulties.

The Commission also looked at the current effectiveness of teacher training and professional development not just for special educators, but also for all educators who work with students with disabilities.

The president believes in funding with reform.

For three straight years, President Bush has asked for three $1 billion increases in federal funding for IDEA. In contrast, President Clinton asked for total increases equaling $1.7 billion during his entire eight years in office.

This year's request is the largest of any president in history; $9.5 billion dollars.

That means the federal government will be spending an $1,400 for every child with a disability. The highest funding ever.

A majority of parents with children in special education (52%) agree that ''better programs and policies, not more money, is the best way to improve special education.''

Critics have attacked the issue of ''fully funding'' special education. But this is a twenty-five year-old attack.

Special education should not be treated as a separate cost system, and evaluations of spending must be based on all of the expenditures for the child, including the funds from general education.

As the President's Commission put it, ''Funding arrangements should not create an incentive for special education identification or become an option for isolating children with learning and behavior problems. Each special education need must be met using a school's comprehensive resources, not by relegating students to a separately funded program. Flexibility in the use of all educational funds, including those provided through IDEA, is essential.''

UNFUNDED MANDATES

Some critics charge that No Child Left Behind takes away local power and imposes unfunded mandates.

RECORD SPENDING AND A COMMITMENT TO SUCCESS

No Child Left Behind mandates only one thing: results for every child. The law ends the old days of ever-higher federal spending with no expectation or demand for better student achievement or wise use of taxpayer funds.

No Child Left Behind respects the rights of states to establish their own standards, align their curriculum to their standards, and assess whether or not students are meeting those standards.

Schools and school districts must be accountable for how they spend taxpayer funds.

States must improve schools, produce results, and ensure that every child learns.

And this law is amply funded. Democrats and Republicans passed a bill that combines record spending with a commitment to reform and results.

Fiscal Year 2003 funding for No Child Left Behind programs increased by more 36 percent over 2001, and 60 percent over 2000 levels.

This year America will spend more than $8,200 per student of which the federal contribution is now 8.4 percent.

Thanks to the record spending in No Child Left Behind, federal discretionary spending on education has more than doubled since 1996.

Spending without a plan, without accountability, without studying what works, without setting standards or expectations is a mandate of sorts—a mandate to fail every time.

No Child Left Behind provides record spending—the highest spending per child ever. That federal money is meant to supplement and boost state and local spending, ensuring that all children receive a world-class education.

Educators can spend the money more freely than ever before, but they cannot waste taxpayer money on programs that don't work. That's why the bill measures every child's progress with tests and gives every parent report cards on how their school is doing.

According to a new study from the National Bureau of Economic Research, the average cost of testing is just $5.81 per student—just a tiny fraction of the $8,200 spent per student.

Total spending on all testing is a mere seven-hundredths of one percent (.07 percent) of the cost of K–12 education.

In addition, No Child Left Behind provides full funding for the development and implementation of the new assessments required by the law by requesting $390 million this year—$3 million higher than the year before.

SUPPORTING SUCCESS

President Bush has done more than support record spending levels. His administration—for the first time in history—is focusing federal money on programs that work as well as ensuring that old programs show results.

As part of that leadership, the president's budget sets up top priorities such as special education, help for the disadvantaged (Title I), and the Reading First program, which supports solid scientifically based reading instruction.

The increases and record spending to programs such as Title I (for disadvantaged children) and special education were made possible by courageous leadership.

In the past the federal government has consistently increased spending, but it has never demanded that taxpayers get a return on their investments.

Using new measures of programs and a culture of accountability the No Child Left Behind Act provides the information and options to parents to improve the future of children in schools receiving Title I funds.

In the past, disadvantaged children had no options when they were trapped in low-performing schools. Now, portions of Title I funding can be used to send students to after-school classes, tutoring, even to a new, better performing school.

This is a solution proven to work: Get children into better learning environments to raise their academic performance. It's also why the president is requesting, and this subcommittee is recommending, $12.4 billion for Title I—the highest spending ever.

New programs and budget priorities will also help prevent many children from needing special education help.

Of the 6.5 million children in special education, half of those who are in special education are identified as having a ''specific learning disability.'' In fact, this group has grown over 300% since 1976.

Of those with ''specific learning disabilities,'' 80% are there because they haven't learned how to read. We must change that by promoting solid curricula, good teachers, and involved parents.

Children of minority status are overrepresented in some categories of special education. The fact is African-American children are twice as likely as white children to be labeled mentally retarded and placed in special education.

That's why the 2004 budget and the subcommittee bill increase spending on Reading First from $1.068 billion to $1.150 billion. From that total, Early Reading First is set to get a $25.5 million increase. These two programs teach reading and literacy skills using scientifically backed research. Such instruction and curricula will help held off the reading problems that lead so many children to special education.

All this supplements No Child Left Behind's requirement that all federal funds be directed to programs reflecting scientific backed curricula and instruction methods.

Of course, to increase spending on vital programs that serve millions of children is a challenge for fiscally responsible leaders. It often means ending programs that have no track record of success or inefficiently serve too few children.

TITLE I

In 2004, President Bush's Title I funding request for disadvantaged students will provide yet another increase to record levels.

HOW PRESIDENT BUSH FIGHTS FOR TITLE I:

The president recognizes that the Title I program is at the very heart of both the federal investment in improving elementary and secondary education and the reforms called for in the No Child Left Behind Act.

Building on last year's historic increase, the president has requested and the subcommittee has approved $12.4 billion in 2004, which will result in a $4.4 billion increase since 2000—a 55% increase!

This means more than 15 million students in more than 46,000 schools will receive Title I services.

In his first three years, President Bush and the Republican Congress have sought double the support for Title I that President Clinton sought in his previous eight budget requests.

MORE THAN MONEY: REAL HELP FOR THE DISADVANTAGED

Real leadership means ensuring programs help children, not just spend more money.

No Child Left Behind converts the Title I program from a system of reckless spending to a structure of accountability for finance and results.

President Bush has proposed boosting spending on Title I to over $12 billion annually—but for the additional funding, he expects clear results. States are required to develop standards in math and reading for grades 3–8, with annual assessments tied to these standards.

Title I was one of the federal government's first major education programs. It was intended to help individual children from low-income homes achieve. No Child Left Behind focuses the money back on high poverty schools to help children in those schools improve their academic performance.

Fro 38 years and with nearly $160 billion, Title I has not fulfilled its purpose of boosting academic performance.

A lack of accountability and a lack of research-based education methods left Title I efforts with few results to show. In recent decades, the achievement gap between disadvantaged children and their higher-performing, more affluent peers, has remained wide, and in some case, has grown wider still.

Under No Child Left Behind student performance will be monitored and the results will matter.

All schools must meet adequate yearly progress (AYP) objectives for all the students they serve—regardless of a child's race or socioeconomic status.

The 12-year goal of No Child Left Behind is teach every child and live up to the vision first dreamt when title I was begun.

HIGHER EDUCATION

Pell Grants are maintained at $4,050 for the maximum award. This is the highest level in the program's history.

This latest proposed increase will also continue to retire a shortfall related to the 2002–2003 award year while maintaining support for nearly 4.9 million low and middle-income students—one million more students since 2001.

The bill continues its commitment to disadvantaged students includes increased funding overall for HBCUs and HISs that strengthen institutions that serve high proportions of minority and disadvantaged students.

An increase of $10.1 million (4.7 percent) for Historically Black Colleges and Universities (HBCUs).

A $1.2 million increase (1.3 percent) for Hispanic-serving Institutions (HSIs).

Supplemental Educational Opportunity Grants (SEOG) are maintained at $760 million, which would leverage nearly $200 million in institutional matching funds to make a total of $960 million available in grants to an estimated 1.2 million recipients.

Work-Study is maintained at $1.01 billion to help 1.1 million needy students pay for college through part-time work on campus or in the community.

The Education Department waives the 25 percent match requirement for students employed as reading or math tutors.

The president's budget allows for more than $1 billion in new low-interest loans to be made to needy students qualifying under the Perkins Loan program, and continues a $99 million capital contribution to a revolving fund that has grown to a sustainable size—more than $7.2 billion—over its 40-year history.

Repayments of existing loans into federal revolving funds held at institutions will continue to support more than $1 billion in new Perkins Loans each year.

PELL GRANTS

Pell Grants give low- and middle-income students greater access to college.

Nearly 4.9 million students will receive Pell Grants in 2004.

Pell Grants because they provide millions of students with the freedom and opportunity to go to college.

In just two years (2000–2002), the number of Pell recipients has surged 25 percent!

The program is a perfect example of a need-based program meant to open doors and provide equality of education opportunity: The poorer the student, the larger the award.

Pell Grants show how freedom of choice in education works to help students and keep America competitive.

Pell Grants are an example of the federal government enabling school choice for millions of Americans. Students can use their Pell Grants at public or private schools. They can even use them to attend religious schools.

Real choice for students is one reason that this country's higher education system is the envy of the world.

Mr. OBEY. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, we come together all right when we have good bills to come together on, but this bill is a turkey, and that is why on this occasion we are not for it.

I will also be inserting in the CONGRESSIONAL RECORD when we get into the full House several charts which relate to what the gentleman just said that demonstrate the error of his ways.

I would also point out to the gentleman, he is factually incorrect if he says that this bill was earmarked when the Democrats were in control. There were no earmarks whatsoever. In fact, Bill Natcher, the last Democratic chairman of this subcommittee, prided himself on not having any earmarks.

With respect to the subcommittee that I chaired for foreign operations, there were no earmarks in the foreign operations bill when I chaired that subcommittee either.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I think the theme of this particular bill seems to be ''promises made and promises broken.'' The fact of the matter is that this theme is true with respect to K through 12 education, where President Bush's own education bill, the No Child Left Behind bill, the promise was a deal. The deal was that there would be more accountability and more requirements in there that would be imposed or mandated on local communities to meet that cost, and, in return, the Federal Government would step up to the plate and put some more resources towards meeting those mandates.

The broken part of the promise, of course, is this appropriations bill is $8 billion short on the promised full funding. Yes, it is a little over 1 percent more than the current funding, but that is essentially a freeze when you consider the increased number of students involved and the inflationary factor.

The fact of the matter is it does not at all address the increased mandates of local communities to meet the requirements in that bill.

This theme is also true with respect to IDEA, the Individuals with Disabilities Education Act, the promise of over 25 years ago that the Federal Government would try to come up with 40 percent of the excess cost of educating a child with disabilities. Now, we know that that high cost for a free and appropriate education of disabled students was not being met by the States, and the Federal Government stepped forward with that promise. The States now have relied on that promise. In 2004, 6.4 million 3- to 21-year-olds depend in part on the Federal Government to step forward and help out.

Promise number two in the area of IDEA is in 1994 the Republicans in their Contract on America said they would fully fund IDEA, but both of these promises have been broken. Both the 25-year-old goal and the decade-old political statement have not been met.

The third promise is the majority's 2004 budget resolution. It promised an increase of $2.2 billion over the last year's grants for school districts.

Another promise was the majority's reauthorization bill passed in April, again promising an additional $2.2 billion for IDEA.

The fact of the matter is this appropriations bill falls $1.2 billion short on IDEA. Under the Republican plan, the State of Massachusetts will lose over $29 million on grants that it otherwise would have gotten if the authorization bill's goals were met.

But that is the way it is, Mr. Chairman, with this House. The majority says when it comes to giving tax cuts to millionaires, they can take the check to the bank; but when it comes to funding educational needs for children and their families, that check is written in disappearing ink.

When it comes to millionaires getting a break, deficits do not seem to matter; but when it comes to funding education for disabled kids in Massachusetts and throughout this country, deficits all of a sudden do seem to matter, and there is no money left to help.

The gentleman from Wisconsin (Mr. OBEY) offered an amendment to just make those millionaire tax cuts a few thousand dollars less so we could meet this obligation and add that $1.2 billion back into IDEA, but the majority voted it down in committee. Yesterday the Committee on Rules made sure we could not debate it on the floor of the House.

So, in this body millionaires get the huge tax cuts they make, they do not have any shared sacrifice, they do not offer back to help out, but families and children and school districts, they do not get it. They get the check written in disappearing ink.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I would like to lend my support for the 2004 Labor-HHS appropriations bill. Much has been said today by those in opposition to the bill regarding the lack of aid to social projects and education, and the reason I wanted to come down here today is to call special attention to one program that has been given significant increases, and that has to do with mentoring. Those dollars have gone from practically zero a year ago to a significant amount. As a matter of fact, those mentoring programs have been funded by an increase of roughly 300 percent this year.

This is very important. The reason I think this is important is to realize that over the last 10 years, we have spent an additional $80 billion on education. That is both Republicans and Democrats. We have increased it $80 billion. We have seen no increase in the level of test scores, we have seen no improvement in drop-out rates.

□ 1230

So just spending large amounts of money does not fix the problem.

One of the things that has happened here is we have seen a tremendous increase in social pathology. We have more and more kids who go to school each day who are so troubled by their environment and their home life that they cannot really learn anything because they cannot focus. So mentoring

is one thing that does work. There are statistics and research that indicates this, that mentoring significantly reduces dropout rates, cuts drug abuse by roughly 50 percent, absenteeism from school by roughly 50 percent, teenage pregnancy by 30, 40 percent, violent behavior by 30 percent. It improves graduation rates, personal hygiene, and relationships with peers and with parents. It costs about $300 to $500 a year to run a good mentoring program per student. It costs about $30,000 a year to lock somebody up. Somebody addicted to meth will cost probably roughly $50,000 to $100,000 for a community, because they are going to commit 60 crimes a year, on the average. So we feel that this is very cost effective. This money will come back to society many times over.

So I would like to thank the President for his interest, as well as the gentleman from Ohio (Chairman BOEHNER) for his interest in mentoring, and the gentleman from Wisconsin (Mr. OBEY) for his help, and particularly the gentleman from Ohio (Chairman REGULA), because as I have found the chairman, he has been very fair. He has listened very carefully. He does care about children. He cares about education. He has a difficult balancing act to perform and has done it, I think, with great effectiveness. I just wanted to come down here and thank the chairman. I appreciate it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation because it abandons our commitment, our common commitment to affordable college education for American families; and it abandons those values which guide us towards that commitment.

Just last month, unemployment rose to 6.4 percent, the highest in 9 years. America's working-class and middle-class families are struggling to make ends meet; and yet college tuition is skyrocketing in this country. Double-digit tuition increases are a standard at public universities, with these costs rising by more than 20 percent in some States.

The solution in this bill to these trends of rising unemployment and increasingly unaffordable college education is to freeze all student aid for the first time in 6 years. The value of the Pell grant, the biggest and largest Federal college assistance program and other student financial aid programs, actually decreases under this bill. It does not even adjust for inflation or counteract sharply-rising college tuition costs.

I believe that this bill runs counter to the values that Members on both sides of the aisle share. I know I have talked to Members on the other side of the aisle who have expressed the importance of college education. We would not be here in this Chamber if it were not for the importance that college education provided us to move and achieve for us and for our families the American Dream.

We tell our constituents that they should have to take out a second mortgage on their homes or burden their children with increasing amounts of debt to just make college education accessible. Now, I remember a family I met, a police officer and a spouse, a teacher in a parochial school. They had two kids in high school. They looked at me and they said they had no idea how they were going to pay for college education for their kids who wanted to go to a public university. I was running for Congress and I told them about the tuition deduction which ends in 2005, their ability to deduct $4,000 from their taxes. I told them about other availabilities of States programs.

Now, we have talked on both sides of the aisle. We are all here because of the importance we put on higher education. We know it is the door which every American middle-class family or low-income family walks through so they can achieve for themselves and their families the American Dream. This bill is in violation of our common values and the principles that we hold true, that a higher education is the key to America. We should not convince middle-class families of the importance of college education and then place it out of reach for them. The only guarantee that that parent has is to take a second mortgage on their house. The only guarantee we provide is that child graduates from college with $30,000 or $40,000 or $50,000 in debt as they begin the new adventure of their endeavors in life. According to the Advisory Committee on Student Financial Assistance, 48 percent of qualified, low- to moderate-income students from high school do not go to 4-year colleges because of financial barriers.

I believe, and I have talked to Members on the other side of the aisle, that this bill violates our fundamental commitment to make sure that college education is there for middle-class families by walking away from the commitment to make sure that college assistance is here today, there tomorrow, so they can go to college and achieve for themselves and their children what we are here doing for ourselves and our children.

Mr. REGULA. Mr. Chairman, I want to say first, before yielding to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, that his committee is looking at all of these programs to find which of those are working well and is providing reforms that will make them work even better, and I think that is an important element of what we are doing today.

Mr. Chairman, I yield 7 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I want to thank the dean of our Ohio delegation, the gentleman from Ohio (Mr. REGULA), for yielding me this time. Let me thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) for their efforts in bringing this bill to the floor today. We all know this is a difficult bill. There are a lot of competing interests in this bill, and it is never easy; but they have done a good job.

There has been a lot of discussion here about the fact that this ought to be bigger. But not only did we, the Congress, support a tax cut for the American people, we also supported a $20 billion increase in discretionary spending. And the fact is, we are spending more. Our job as Members of Congress is to make decisions, decisions about where the resources that we get from our taxpayers, where those resources ought to go. For a while, in the late 1990s, revenues were flowing to the Federal Government at unprecedented rates, and we did not have to make as difficult choices as we do today, given the fact that we are in a recession and given the fact that we have been the subject of a serious terrorist attack. So we are making decisions.

But when it comes to the education issues that we fund in this bill, we all know when we passed the No Child Left Behind Act that we were going to make a serious commitment to improve all of America's schools, especially the neediest of America's schools. We know the problems that are there; and in a bipartisan way, this House and this Congress and the President worked to put in place a reform effort. And for the first time in the 37 years that the Federal Government has been involved in our local schools, we have all States in compliance with the Federal law. This never happened before. All 50 States have set their accountability plans to Washington and all 50 States, and the District of Columbia and Puerto Rico, have had their plans approved. This is a major accomplishment on the part of the Congress and the administration to start the accountability process in a serious way.

We also said when we passed that bill that we would increase our funding to our local schools. Under the bill we have before us, title I gets $666 million in new money. Now, this is in addition to the money that we have given over the last 3 years. If we look at the last 3 years under President Bush, the increases in title I were greater than the increases in title I during 7 years of President Clinton.

Now, we can argue about whether it is enough, whether it is too much; but the fact is that we stepped up to the plate to help the neediest of our students, because title I money goes to poor children and goes to poor schools. I think that we have done our job, and we need to stay at it. We need to keep working to increase these amounts. But we have to understand that this $666 million increase is on top of the

$1.2 billion increase last year and a $1.3 billion increase the year before.

Let us talk about special needs children, individuals with disabilities and education. Since 1995, the Congress has increased our grants to local schools by 300 percent. In this bill we add another $1 billion of funding to help meet our commitments. Now, we can have a partisan debate about who is doing the most for education, but when Republicans took control of Congress in 1995, the Federal commitment to IDEA was 5 percent of the cost, 5 percent. With the passage of this bill, we will be up to 18.7 percent of the cost of IDEA, and it is based on a much greater number of special ed children today than what we were talking about in 1995, a 300 percent increase.

Also in the bill that we have before us, we move the reading grant for Reading First and Early Reading to $1.15 billion. Now, this is again a 300 percent increase over where we were just 3 years ago in terms of our commitment to help children in kindergarten through third grade and even younger in the earlier grant money to help them have a chance at being able to read by the end of the third grade.

Charter schools in this bill will get an increase of $71.5 million, another significant increase, made up of $220 million of money for start-up and planning for new charter schools, and $75 million worth of facility money, which will be leveraged into over $200 million worth of money to help plan facilities. There is another $885 million in this bill, an increase, to do Pell grants.

We all know, especially the speaker that spoke before, of the increasing challenge that this Congress has to meet our commitments under the Higher Education Act, to provide more access for the neediest of our students who are able and want to go to college. The more we work to increase access, the harder it becomes because the cost of tuition and fees at our colleges and universities continues to outstrip inflation by a rate of two to three times the inflation rate, causing us increasing problems. As we reauthorize the Higher Education Act, as we go through the balance of this year and next, we will continue to look at what we can do to ensure that the children have better access.

Head Start gets an increase here of $148 million of new money. But overall, spending on discretionary education programs in this bill increases by $2.3 billion. Mr. Chairman, $2.3 billion, that is real money on top of the money we are spending, bringing the total to some $55.4 billion that we are committing in this bill to discretionary education programs. This does not include the cost of student loans and mandatory spending programs, but $55.4 billion worth of discretionary money. I just think that if we look at over the last 3 years since President Bush has taken office, that is an increase of $13.2 billion of real money, trying to help improve our schools and to ensure that every child in America gets a chance at a good education, because without one, they will have no chance at a shot at the American Dream. We need to support this bill.

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

Mr. Chairman, let me simply correct several of the impressions left by the previous speaker.

I want to congratulate the Republican Party. I will readily admit that they have changed somewhat since they took over in 1995. When they took over in 1995, they wanted to cut the guts out of education funding, and they wanted to abolish the Department of Education. They have become somewhat more civilized since that time. But they are still producing appropriation bills that do not meet the promise of their authorizations and do not meet the promise of their budget resolutions. That is obvious.

With respect to title I, the fact is that between fiscal year 2001 and 2003, the Bush administration requested a total increase of $1.3 billion for title I, only 44 percent of the total $2.9 billion increase eventually provided by the Congress, one House of which is under Democratic control. On Pell Grants, if House Republicans had had their way, the Pell Grant maximum award would have been cut between fiscal year 1996 and fiscal year 2003 by a net total of $530 below the final levels enacted into law.

So let me simply say those are the facts with respect to the past. But the past, in my view, is not quite as important as the future; and I would simply say that today it is very simple: Do we want to use $6 billion to guarantee that people who make more than $1 million a year will get an $88,000 tax cut, or do we want to limit their tax cut to $44,000 so we can move $6 billion into education and into health care, most of which will go to protect the health care of children?

□ 1245

That is the issue that is before us, not yesterday, but today; and when the votes are counted, we will see where each party stands.

REPUBLICAN RECORD ON PELL GRANTS

If House Republicans had had their way, the Pell Grant maximum award would have been cut between FY 1996 and FY 2003 by a net total of $530 below the final levels that were enacted into law.

In FY 1996, the House Republican LHHS bill cut President Clinton's request for a $2,620 maximum Pell Grant by $180 to $2,440. The Republican bill provided $30 less than the $2,470 maximum grant provided in the final LHHS bill.

In FY 1997, House Republicans again cut President Clinton's request for a $2,700 maximum Pell Grant by $200 to $2,500. The Pell Grant award level in the House Republican LHHS bill was $200 less than the final $2,700 maximum award approved in the LHHS conference agreement.

In FY 1998, a bipartisan House-passed LHHS bill provided a $3,000 maximum Pell Grant level. This amount, secured by Democrats, provided a $300 or 11 percent increase over the previous year, and was later enacted into law.

In FY 1999, the House Republican LHHS bill provided a token $25 more than the final conference level of $3,125 for the maximum Pell Grant.

In FY 2000, the House Republican LHHS bill provided $3,275 for the maximum Pell Grant, $25 less than the $3,300 maximum Pell Grant approved in the final conference agreement supported by Democrats.

In FY 2001, the House Republican LHHS bill included $3,500 for the maximum Pell award—$250 less than the $3,750 secured by House Democrats in conference. The final level secured by Democrats provided a $450 increase over the previous year and was the largest Pell Grant increase in more than 25 years.

In FY 2002—a bipartisan year—Republicans agreed with Democrats to raise the maximum Pell Grant to $4,000, an increase of $250 over the previous year. This level was enacted into law.

In FY 2003, the Republican LHHS bill introduced by Chairman REGULA accepted the President Bush's proposal to freeze the maximum grant at $4,000. The bill provided $50 less than the $4,050 level ultimately approved in the FY 2003 omnibus appropriations bill.

PELL GRANT PROGRAM—MAXIMUM AWARD

	Request	GOP House	Conference	GOP House compared to request	GOP House compared to conference
FY 1996	2,620	2,440	2,470	−180	−30
FY 1997	2,700	2,500	2,700	−200	−200
FY 1998 [1]	3,000	3,000	3,000	0	0
FY 1999	3,100	3,150	3,125	50	25
FY 2000	3,250	3,275	3,300	25	−25
FY 2001	3,500	3,500	3,750	0	−250
FY 2002 [1]	3,850	4,000	4,000	150	0
FY 2003	4,000	4,000	4,050	0	−50
FY 1996–2003				−155	−530
FY 2004	4,000	4,050	na	50	na

Notes.—House level is the level in the House-passed bill or the House Appropriations Committee-reported bill in those years in which the House did not pass a LHHS bill, except in FY 2003 where the House level is the level in HR 246, a LHHS bill introduced by Chairman Regula.

[1] Years in which there was a bipartisan agreement on the House-passed LHHS bill.

Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise today reluctantly in opposition to the 2004 Labor-Health and Human Services bill because I know how much our chairman, the gentleman from Ohio (Mr. REGULA), really cares about these issues and how he is committed to these issues. And I also want to express my appreciation to the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY). They are all men of great principle and fairness. I enjoy serving with them, and I do respect them.

However, I am really disappointed that this process operated under terms and with restraints for the gentleman from Ohio (Chairman REGULA) that do not do justice to the millions of Americans whose lives are improved by the programs funded in this bill. For example, one would hope that students attending college could count on greater support from the Federal Government during these hard times, but with this bill they will not be able to. The maximum Pell grant is frozen at 4,050. Not only have House Republicans consistently neglected the Pell grant, but it is important for us all to remember that when the program was started in 1975, Pell grants paid about 84 percent of college costs. It now pays only about 38 percent of college costs. And under the Republican bill, funding for the four campus-based aid programs, Supplemental Education Opportunity Grant, College Work Study, Leveraging Educational Assistant Partnership, LEAP, and Perkins Loans Program, are also level-funded.

The average student loan debt has nearly doubled in the last 5 years. Last year the average undergraduate borrower left school with nearly $17,000 in debt due to Federal student loans. With nearly 64 percent of students depending on student loans, and that percentage is sure to grow during this time of economic hardship, how can we in good conscience not increase funding for the very programs that encourage States to implement need-based aid?

In New York, the State and city university systems are on the cusp of instituting massive tuition increases, and they are not alone in their struggle to make up for faltering State budgets and decreased philanthropy. Colleges across the country are hiking tuition by record levels, including colleges and universities in Texas, Iowa, Missouri, and Massachusetts.

And let us not forget, we have to couple the lack of college funding assistance in this Labor-HHS bill with the administration's recently announced regulation change that would decrease college loans for millions of students and their families. Nationwide under the Bush regulations, 84,000 students would lose Pell grant eligibility altogether, and millions more would lose some Federal assistance. It really was a shame that we could not have corrected that in this bill.

I will give you an example. I visit the community colleges and the 4-year colleges in my district all the time.

For example:

A family of four living in New Jersey with one child in college, attending full time, would have to pay about $100 more toward college expenses; and

A family in New York with $45,000 combined income, one child attending college full time, would have to pay about $300 more toward college expenses.

During Committee consideration of the Labor HHS, we had an opportunity to put the breaks on the Bush proposal. But, and I think it's important for America's hardworking families and dedicated students to know, Committee Republicans rejected that attempt.

In pointing out the problems with this bill, I do not fault either of the chairmen. They had a bad set of parameters to work with. But the 2.9 million graduating high school students, the 5 million Pell Grant recipients, and the millions of Americans who rely on the student aid programs to make attending college a reality deserve more. And the Democratic substitute would have done just that!

I urge my colleagues to vote against the Republican Labor HHS bill.

Let us hope that we can correct this bill and work together as the bill comes back from the Senate and reach the level that I know our chairman and our ranking member and all of us really want to achieve. I thank the gentleman again for working so closely with us.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to comment that in the last 8 years we have doubled Pell grants, and I will also add that we have added $885 million this year. The reason the maximum has stayed stable is that more people are taking advantage of it, and that is good. That is a positive thing. As a naval veteran, I am a product of the GI bill, and I realize how very important these opportunities are. And I would like to do more, but I think we have done a good job, considering the resources that are available.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me time. I rise in support of this bill, and I rise particularly to support the funding for diabetes prevention and control activities that are contained in it.

As the cochairman of the Diabetes Caucus in the House, I believe that increased funding for these programs is of utmost importance, and I thank the committee for its attention to the issue of diabetes. This bill increases funding for NIDDK over the last year's level by $47 million and increases funding at the CDC by $300 million over last year's level.

The progress made to date with this money that has already been appropriated by the House is very impressive, and I want to emphasize to the chairman and the Members that clinical trials involving the transplantation of insulin-producing cells into individuals with Type I diabetes has brought us within reach of a cure. Of the approximately 200 patients who have received these transplants, 160 of them no longer need to take insulin. If you are involved at all with diabetes, you know how significant this is. It is a life-saving event.

So as we consider the bill, I know there are some upcoming initiatives that we need to emphasize, and they will be very important in the prevention of diabetes in America, and in turn they will save taxpayers' dollars.

On March 31, 2003, the Department of Health and Human Services announced that the Department would be launching a diabetes detection initiative. The goal of the initiative is to encourage people at risk with diabetes to get tested and to refer those who test positive for a follow-up. About 6 million people in this country have diabetes, but they just do not know it. So by supporting this initiative in the future, the committee and the House can help these people avoid the devastating complications of diabetes, because they are so much a part of the Medicare cost that we face in this country.

I have been working to develop a national diabetes strategic plan with the American Diabetes Association and the Office of the Surgeon General along with former Speaker Newt Gingrich, who has been a leader in this effort to bring a cure to diabetes, and the details on this announcement will be made later in the coming months, but it is very exciting, the initiatives that are out there. The committee has an excellent record on diabetes prevention funding, and I am certain that the needs of these meritorious programs will be recognized as we go to conference on this measure.

I thank the gentleman from Florida (Chairman YOUNG) for his good work.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. KILDEE), the ranking member of the Subcommittee on 21st Century Competitiveness, Committee on Education and the Workforce.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today's education funding bill completely ignores the reality facing the neediest of our college students today. College costs are rising dramatically over the last 10 years. College tuition is up 38 percent, and the buying power of the Pell grant is at an historical low. Due to the sour economy, State legislatures have dramatically reduced their support for a postsecondary education as they seek to balance State budgets. Charitable giving, alumni support and endowments are down.

How has all of this affected our students? Students, especially the neediest students, are literally being denied a postsecondary education because

they do not have the resources to pay for college. According to the Advisory Committee on Student Financial Assistance, nearly one-half of all college-qualified, low- and moderate-income graduates will be unable to attend a 4-year college due to rising costs. Nearly 170,000 students will be unable to attend any postsecondary institution.

As a member of the Committee on Education and the Workforce and the ranking member of the Subcommittee on 21st Century Competitiveness, I have heard from countless numbers of students and student associations on their need for relief, but here on this floor the Republican response to the financial difficulties of students is to freeze the maximum Pell grant.

We have passed tax cuts that have benefited the wealthiest of Americans. Those within incomes of $1 million receive an $88,000 tax cut, and student aid was frozen. This is a terrible priority. We cannot provide the $5,800 maximum authorized Pell grant to our students because we prioritize those tax cuts over the needs of students. Are we now asking the neediest students to walk across town to those who got an $88,000 tax cut and plead for help in going to college?

What is really happening to our country? We are better people than that.

The entire increase in Pell grants during the Bush administration is less than the increase made in Pell in the last year of the Clinton administration. Clearly financial access to a postsecondary education has not been a priority for this administration. Freezing Pell grants at a time when more and more individuals are seeking retraining and education due to the sour economy sets us back as we struggle to come out of this economic recession.

Rather than passing another tax cut for the wealthiest in our Nation, we should defeat this bill on the floor. Instead of passing this legislation, we should significantly increase funding for Pell grants and other critical education priorities.

When I was growing up, my dad had to pick one of his five children to go to college, one of the five. Although my brothers and sisters were qualified, he had to pick one. Are we returning to those days when those choices had to be made?

Mr. REGULA. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 16 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 46 minutes remaining.

Mr. REGULA. Mr. Chairman, I yield myself 1 minute.

We hear on the Pell grant, I want to point out something, and that is that in the last 2 years, the numbers have increased 25 percent. So even though the level which we have increased substantially in the last 6 or 8 years was the same this year, it is because we wanted to give more students a chance. We have increased the total amount by $880 million that will be available for Pell grants, but there are so many more, and that is good. I like to see more and more students gets involved and use this service, but it makes it a tough budgeting situation. At least that is the reason that we have gotten to the situation we are in.

Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON), a member of the committee.

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding me time and the great work he has done on this, the most difficult, I believe, of the appropriation bills.

We have continually heard today during this debate that 302(b) allocations were insufficient or inadequate, and, consequently, we do not have enough money to spend on this appropriation, and it is all due to the tax cuts.

If I remember correctly, during the debate on tax cuts, we could not do those tax cuts because of the increase that they would cause in the deficit. And now we see the truth. They were never concerned about the increase in the deficit. They were concerned that there would not be enough money to spend on the variety of programs that they want to spend money on.

Well, the distinguished minority whip said that we cannot wash our hands, like Pontius Pilate, of the debate on the deficit and the tax cuts and on the budgets because they are all interrelated, and he is absolutely right.

There is one thing that should be clear from the past decade. We cannot raise taxes enough to eliminate the deficit that has occurred. Another thing should be clear is that we cannot cut spending enough to eliminate the deficit that has occurred.

The only way to eliminate the deficit is to have a growing economy. We learned that in the 1990s. The only way to have the resources to spend on the programs that today you complain about as being inadequately funded is to have a growing economy. And we on this side of the aisle believe that one way to help that economy is to stimulate it by reducing taxes to put more money into people's pockets to grow the economy. That is why we supported the tax cuts, not because we care more about millionaires than we care about children or anything else. It is so in the future, in the long term, we have the resources for these programs that we all believe are vitally important.

Yet, in spite of the economy, we have produced a bill which continues the improvements we have made in education and health funding over the past 8 years.

Now, the gentleman from Wisconsin (Mr. OBEY) continually says, and quite emphatically, that the only reason we have been able to increase the funding for education or double it over the last 8 years is because he brought us across the line kicking and screaming. And I guess that may be true. I do not know. I have not been here 8 years. All I want to know is who was he bringing across the line kicking and screaming when his party controlled the House, the Senate and the White House? I am not sure who was doing the kicking and screaming, but you have been much more successful with our party than you were with your own party.

□ 1300

The distinguished minority leader last year on the debate on the rule went through a litany of programs in education and health that were cut. What the distinguished minority leader did not say is that in each and every one of those programs that she mentioned, I believe every one of them, there is actually an increase in spending. She was talking about a decrease from the authorized level, and I do not know of hardly any program in the Federal Government that is actually funded at the authorized level. Yet we have continued to improve funding for these programs.

As an example, in special education grants, $1 billion more than last year. That is not a cut. In Title I, $660 million above last year. That is not a cut. Improved teacher quality, $49.4 million. For transition to teaching to assist eligible members of the Armed Forces and midcareer professionals to obtain certification of teachers, $2.93 billion, an $81 million increase above the budget request for professional development. Math and science partnerships are funded at $150 million, an increase of $50 million. That is not a cut. In Impact Aid, $1.238 billion, $50 million over last year's level. That is not a cut. In Head Start, $148 million over last year's level. That is not a cut.

The list goes on and on. Only in Washington, D.C., can an increase in spending be considered a cut. This is a good bill, and I compliment the chairman for his work on it.

Mr. OBEY. Madam Chairman, I yield myself 1 minute.

I plead absolutely fully guilty to wanting to spend more money to invest in education and to spend more money so we can guarantee that poor kids are not knocked off Medicaid and SCHIP programs so that they have some health care when they need to be seen by a doctor. Fully Guilty!

I also plead fully guilty to wanting to spend more money for NIH so we can deal with the ravages of cancer, heart disease, Lou Gehrig's disease and the like.

One example: a year ago my brother-in-law was diagnosed with terminal pancreas cancer, 1 year ago. He is still alive because he is lucky enough to have gotten into a clinical trial, and they found a drug that seems to be working for him. I plead fully guilty to wanting to add a lot more money to the Federal budget so that a lot more people can be as lucky as he is.

Madam Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia.

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Chairman, I rise in opposition to the Labor, Health and Human Services and Education appropriations bill for fiscal year 2004. This legislation, if passed and signed into law, will be a setback to one of the great American ideals of equal access to a quality public education.

It was once said that ''Education is the great equalizer in a democratic society, and if people are not given access to a quality education, then what we are doing is creating an underclass of people who will ultimately challenge our very way of life.''

This quote has never been more meaningful and poignant than today, as we are poised to do just that: create an underclass of people.

A year and a half ago, this Congress stood with President Bush and our House and Senate education leaders, to pass a bill which would redefine our education system and strive to ''leave no child behind.''

Just two months ago, the Majority passed a conference report for the fiscal year 2004 Budget Resolution that promised to provide a $3 billion increase over the previous year for the Department of Education and No Child Left Behind initiatives.

Unfortunately, this bill still underfunds No Child Left Behind by $8 billion dollars.

In other words, we are telling our schools that they must implement these reforms for greater accountability, but offering no additional resources to do so. In fact, we are doing the complete opposite of the intent of the No Child Left Behind law. We are leaving our children behind, our teachers behind and more importantly, letting the American people down by breaking yet another promise.

Unfortunately, there is not enough time in general debate for me to catalog every shortchange in this bill, such as National Institutes of Health funding, Individuals with Disabilities Education Act funding, bioterrorism preparedness funding, and failing to provide an increase for programs under the Nurse Reinvestment Act.

This bill is full of broken promises. We can attribute these broken promises to the fact that this Congress and our President gave to this country's wealthiest 1% massive tax cuts in a time of economic uncertainty.

While I am not pleased with the funding levels of several initiatives in this bill, I am pleased that my colleagues, Mr. OBEY and Mr. GEORGE MILLER are offering an amendment to correct a recent unfair Department of Labor proposal to eliminate overtime under the Fair Labor Standards Act.

This unfair proposal would affect thousands of workers in my congressional district who rely on overtime pay to help make ends meet.

This proposal will make it feasible for employers to reclassify workers as ''white collar'' employees, rendering them ineligible for overtime pay.

Some of these 8 million workers include police and firefighters, nurses and other First Responders, who would be the first line of defense in the event of a terrorist attack.

After these workers are reclassified and ineligible for overtime pay, they would still be required to work longer hours for less money, which is the real intent of this proposal.

The Obey-Miller amendment would prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay.

Brick by brick we are building the road to create an underclass of people.

Let us not break yet another promise to the American people.

I urge all my colleagues to vote in support of the Miller-Obey amendment to protect overtime pay and to vote against final passage so that this body may consider a bill that more adequately funds initiatives at the Departments of Labor, Health and Human Services and Education.

Mr. REGULA. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Madam Chairman, I rise today to talk about the role this plays in helping promote the culture of life, a culture that values and respects human life at every stage. I believe that we have a responsibility to protect innocent life whenever and wherever possible, and so I applaud and thank my colleague from Ohio, the chairman of the subcommittee, for including funding in this appropriations bill for the Promoting Safe and Stable Families program.

This program helps fund safe havens created by laws passed in 42 States that try to reach out to desperate and troubled parents. Too often we hear of infants who have been abandoned in trash bins and alleys and, much more tragically, killed.

Just this past week, there was a case in my home State of Minnesota where a mother decided to throw her twin infants over a bridge. We must reach out to these parents who are unwilling or unable to care for their infants and let them know that they can take care of their infants by taking them to a safe haven and leave them in the hands of those who will care for them and see that they are placed in loving families.

Let me be clear, safe havens are not a substitute for education and adoption, merely a last resort for desperate parents considering the unthinkable. Safe havens can help avert tragedy and preserve the most precious of all things, innocent human life, but these safe havens only work if those that need them are aware of them.

That is why I am sending a letter to the Secretary of Health and Human Services Thompson and to the GAO calling for a review of the safe havens to find out how much of the funding is being spent on raising the awareness of safe havens so we can make recommendations on how it can be expanded and improved.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE), former chief school officer of his State.

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

Mr. ETHERIDGE. Madam Chairman, I thank the gentleman for yielding me the time.

Let me thank the chairman. I will say to him, I served as chairman of the committee on appropriations at the State level for 4 years, so I recognize the challenge he faces.

Budgets are about priorities, and I have strong oppositions to this bill because of the priorities that it sets out. I will vote against it. I do not like voting against appropriations bills, and I will urge my colleagues to do the same because of the draconian cuts that I see it places on education at the very time when we ought to be investing not less, but more in the future of this country and in our children and in our ability to compete in an international economy.

Last Congress, strong bipartisan majorities in this House and in the Senate voted to pass the President's No Child Left Behind legislation, and I joined in with that vote, but we promised to fund to the level of the authorization the moneys for the schools to meet their needs, and this bill is $8 billion short in that requirement.

As my ranking member has said, I am the only former chief serving in this Congress. I know what budget priorities are about, but I also know what happens in the schools when these cuts come. At a time when we are asking our schools to do more than ever, these educational cuts will destroy the morale of our teachers, parents and students. These educational cuts will make meeting the requirements we have almost impossible because we have set high standards for accountability. I think we should. Without the needed funding, though, No Child Left Behind is a massive unfunded mandate on our local communities and our State budgets at a time when States are struggling just to meet the funding needs.

In every State in this Nation, schools are currently working to determine how they will measure up to the Federal Education Department's definition of adequate yearly progress. Over the next several weeks and months, we are going to find out about that because they are going to be reporting in. Early estimates are there may be as many as 80 percent in some States that cannot meet AYP.

Plain and simple, these schools need that $8 billion to comply with these tough new educational reforms. The education cuts in this bill will make No Child Left Behind a cruel hoax on our schools and on our children.

This bill also fails to provide adequate funding for Impact Aid. Let me remind my colleagues, Impact Aid is the money we provide for those communities that have military bases that have men and women who are deployed or protecting our interests around the world. It is critical for those children in the military personnel. In my district alone, the communities that surround Fort Bragg and Pope Air Force Base, truly one of the important bases in this country, with many, many women deployed right now, the tax base is not there to meet the needs due to the Federal presence. These funds

provide flexible operating resources and finance teachers, books, computers and others.

Under this bill, North Carolina loses $16.8 million. We can do better. We must be better as our men are deployed in Iraq, Afghanistan, and Libya.

Under this bill, North Carolina will lose $16.8 million in Impact Aid below the level authorized. At the very time that states are under stress, we are cutting funding in some states.

As we continue to deploy our troops to Iraq, Afghanistan, Liberia and other hot spots throughout the world, we ought not to neglect the schools their children attend back here in the states.

Madam Chairman, I urge my colleagues to vote against this bad bill.

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

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Madam Chairman, I want to thank the gentleman for yielding me time to talk about how this bill is woefully inadequate in funding biomedical research, especially Parkinson's research, which is near and dear to my heart, as I believe it is to many Members of this body.

Over the last 5 years, Congress took on the charge of doubling the NIH budget, and we accomplished that goal. It was a worthy goal. It still is a worthy goal because this added funding for NIH will help find cures and better treatments for some of the world's deadliest diseases. The bill will bring to a halt this progress that we have made in funding biomedical research.

There is just an increase of 2.5 percent, the smallest percentage increase in 18 years. It falls short of what is needed to just keep up with research inflation costs, which NIH estimates at 3.3 percent for the year 2004. So the bulk of the increased funding will go to these multiyear research projects that are in place, thereby leaving very little time and very little money for new research.

The bill provides only a 3.9 percent increase for Parkinson's disease, not enough to keep up with inflation and grant renewal costs, and definitely little or nothing left over for new or expanded research efforts.

Madam Chairman, we have heard that tax cuts are the answer to all of our problems, and now those tax cut chickens are coming home to roost. We do not have the resources to meet these research needs. We see research cuts, and I want to conclude there is not a Member of this body as a Congressman, but as a son, a father, a nephew, a friend, Parkinson's disease is known as the most uncommon common disease in our country. We cannot go more than four or five people in asking them a question, do they know anybody with Parkinson's disease, before we hear somebody who will say, yes, I know somebody, a friend, an uncle, a sister, somebody in my community that has Parkinson's disease. We know colleagues in this body that have Parkinson's disease. We ought to honor them and support Parkinson's disease research in the way that we can find a cure for this terrible disease.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Chairman, I thank my friend from Wisconsin for yielding me the time.

Madam Chairman, this body passed a resolution on June 10 recognizing two major advances in public health: the 50th anniversary of the discovery of the double helix structure of DNA, and the completion of the Human Genome Project. Good congratulatory words in this Congress, but as usual from around here, nothing to back it up.

The bill we are considering today provides funding for NIH barely sufficient to support existing research projects, much less any ground-breaking new research into avenues like gene therapy.

In a recent survey, taxpayers were asked what the Federal Government's major priorities should be. Public education, first. The public said medical research, second. Yet today we are considering a bill that underfunds both education and medical research.

Whom does Republican leadership report to? It is certainly not the American public. The bill's authors argued that this Congress has other priorities. It has chosen tax cuts for the wealthiest people in this country instead of research for cancer and Alzheimer's and ALS and MS and spinal cord injury. It has chosen to give a millionaire a tax cut of $93,000 instead of spending the money where Americans want it spent, on basic medical research.

The bill provides an increase today of only 2.5 percent for NIH, the smallest percentage increase in 18 years, in a sharp drop from what we have been doing the last several years. NIH estimates its spending on cancer research would only rise 3.7 percent, short of the 4.7 percent just necessary to stay even on what we are doing with cancer research. The number of grants for new research projects and renewals would increase by just two-tenths of 1 percent.

Is that what the American public asks for when it says its top two priorities are spending money on public education and spending money on medical research?

Madam Chairman, vote against this bill. Unfortunately, medical research seems to be an afterthought in this Congress.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished gentleman from Wisconsin for yielding me the time.

I know there has been a lot of hard work in trying to put together an appropriations bill that would deal with the neediest of our Nation, but we confront two, if you will, systemic crises in this country. We have a 6.2 percent unemployment rate, and it is increasing. The faces of the unemployed are not here in this body, and they cannot speak for themselves, but they are workers who made $100,000 a year and have children in college and mortgage payments, and they are those who are the chronically unemployed, who have never had a chance to work.

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And yet this bill, instead of dealing forthrightly with their crisis, it cuts the community services block grant by $150.8 million. The cut will reduce services for the growing numbers of low-income working poor and the long-term unemployed.

The tax cut that was rendered just a few weeks ago for the rich does nothing to invest in this economy. In fact, economists have said that those who will receive a $90,000 tax cut will not invest in the economy, will not create jobs; but what they will do is to invest in themselves and make sure they have a big fat savings account.

As a member of the Select Committee on Homeland Security, I have advocated constantly, in addition, that we should invest in homeland security and provide the resources for our first responders and our neighborhoods. I have been asked the question: Are our neighborhoods safe in America? No, they are not. And here we are not providing the necessary resources to fund those neighborhood groups, those citizen corps, so that neighborhoods will be on the front line if there is a terrorist attack in the United States.

And in conjunction with that, rather than fund bioterrorism preparedness, the important research to be able to prevent bioterrorist attacks or to be able to ensure that more people's lives will be saved, we are cutting the resources for bioterrorism. That means, for example, that if someone decided to use a mosquito that had the West Nile virus, to use that as a bio weapon, who knows, we are still unprepared in our communities.

Madam Chairman, I wish we could have a bill we all could vote for. I ask my colleagues to enthusiastically vote ''no'' on this legislation.

Madam Chairman, I rise today to express my disappointment at the failure of the Republican Party to adequately fund vital programs in H.R. 2657, the Labor, HHS, Education, and Related Agencies Appropriations Act for fiscal year 2004.

Madam Chairman, we have failed our Nation. The Labor-HHS-Education Appropriations bill leaves our health care system, our schools, our children and our communities at risk. Sadly, my Democratic colleagues and I have seen the writing on the wall.

Over the past several weeks, my fellow Democrats and I have been very outspoken

on the Republican financially irresponsible bills. We opposed the Republican's tax cuts. We opposed the Republican's Medicare package. And now we oppose their appropriations request in H.R. 2657, and our opposition to the insufficient funding in this bill is directly due to the Republican's poor budget initiatives.

H.R. 2657 falls short of adequately funding our education and health care programs, among many other valuable programs.

EDUCATION

H.R. 2657 fails to adequately fund our Nation's schools and fails to live up to the many promises made by the Republican Party.

When the ''Leave No Child Behind'' legislation was passed we all believed we were committed in a bipartisan way to guarantee that good schools were established in our communities to improve our overall living standards and close the gaps that divide our societies along economic, social and racial lines. The Republicans promised to be committed to bettering our education system. They have not lived up to that promise.

My colleagues on the other side of the aisle promised in its fiscal year 2004 budget resolution to provide a ''$3 billion increase from the previous year for the Department of Education.'' Despite that promise, the H.R. 2675 bill provides only a $2.3 billion increase over fiscal year 2003—far less than the promise they made.

Another broken promise is the inadequate funding of the Title 1 Program. The Title 1 Program is critical to enabling schools with large student populations of low-income children to meet the No Child Left Behind Act's accountability and academic mandates. These schools enroll students with the greatest academic deficits, but they have the least experienced teachers, less competitive teacher salaries, higher teacher turnover, less rigorous curriculum, and less than their fair share of resources. All of these factors negatively impact student achievement.

The Republican's fiscal year 2004 budget resolution promised a $1 billion increase over last year for the Title 1 Program. However, my colleagues on the other side of the aisle have failed to keep their word here as well. Instead of $1 billion, H.R. 2675 provides only a $666 million increase. The result of the committee's action is that this bill falls $334 million short of the majority's own promise. The loss of that money does not affect my Republican colleagues or their wealthy supporters. It affects millions of low-income children nationwide and their ability to get a quality education.

In the area of special education, the Republicans promised in the fiscal year 2004 budget resolution to provide $2.2 billion over the current level. The Republicans repeated this promise in H.R. 1350—the bill reauthorizing the Individuals with Disabilities Act, adopted on April 30 on the House floor. Instead of providing our special education students with the funds they desperately need, and because of their massive tax cuts, this bill falls $1.2 billion short of that promise. This massive funding shortfall will force schools to continue to absorb the extraordinary costs of providing special education for nearly 6.7 million schoolchildren. Consequently, other education programs will have to be reduced or local taxes will have to be raised to make up the funds.

Perhaps the biggest broken promise by the Republican Party is the destructive impact of their budgetary action on the No Child Left Behind Act. The Members of the Republican Party put tax cuts ahead of their education promises in the Leave No Child Behind Act. As a result, H.R. 2657 falls a stunning $8 billion short of the fiscal year 2004 funding targets in the No Child Left Behind Act.

On the issue of higher education, the Republicans have harmed our college students as badly as they have harmed our low-income and special education students. As a direct result of the Republican's economic mismanagement over the past 2 years, only eight States in our Union are not facing a severe budget crisis. The declining State fiscal crisis has forced States to make huge cuts in the budgets of public colleges and universities. When States make cuts to public schools, the schools must raise their tuitions. The raising tuition costs are crushing working families who want to send their kids to college.

HEALTH CARE

Health care is another area in which the majority's bill falls short of meeting urgent national needs. In these tough economic times, with the high rates of unemployment and the loss of health insurance that comes with it, Federal health care is even more crucial to our communities.

Additionally, the State fiscal crises are causing many States to cut back on eligibility and benefits under health care programs like Medicaid and the State Child Health Insurance Program (SCHIP), as well as on public health protection. The programs that are funded by the Labor, Health and Human Services, and Education appropriations bill help provide a crucial health care safety net for people without other access to care, and also help States and localities provide basic public health services.

The majority's appropriations bill provides little funding to deal with the growing health care crisis. There are virtually no increases to the Maternal and Child Health Block Grant and no increase at all for the National Health Service Corps, a vital program which provides student loan repayment aid and scholarships for doctors and dentists who work in areas with a shortage of health providers.

The committee bill also provides no increase at all for childhood immunization grants. That program has struggled to provide immunizations for children with the rising cost of vaccinations, and the bill will lead to further shortfalls. Additionally, while the administration asked for $100 million to help us get better prepared to deal with an influenza pandemic, the bill provides only half of that request.

CONCLUSION

Madam Chairman, H.R. 2675 is yet another example of poor budgetary policy impacting the American people. The majority party's failure to act responsibly with America's funds has impacted our ability to fund our first responders so they can protect our homeland from terrorists. The majority party's failure to act fiscally responsible has resulted in 9.4 million Americans being unemployed. Now, through H.R. 2675, the majority party's failure to act fiscally responsible is depleting the resources of our schools and our health care system. This result is unacceptable for the hardworking Americans we represent. I oppose this bill, and I urge my colleagues to do the same.

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

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Chairman, I thank the gentleman from Wisconsin for yielding me this time.

A few years ago, a friend of mine that I went to law school with called and told me that his 4-year-old son had been diagnosed with leukemia. He and his wife were obviously devastated by this news. They wondered what life would be like if this precious little boy were to be taken from their lives. That little boy will start third grade next September, in large part because of the huge advances that have been made in health care, in pharmaceutical products, and largely underwritten by the National Institutes of Health, an organization that has had bipartisan support in this body for a very long time.

How can we justify shutting down this miracle factory by increasing its funding by only 2½ percent, barely enough to keep up with inflation? What choice are we making by doing this? How could we pay for a more robust increase?

Here is what we could do. If we increase NIH funding to keep in line with what has been done by bipartisan majorities in the last 10 years, a 7 or 8 or 9 or 10 percent increase, we would have to reduce the tax cut this way: for every $1,000 worth of tax cut, we would have to take away $20. So we could still take the person with the $1,000 tax cut and make it $980 and keep the NIH doing the research, continuing the progress it has made so that more parents could hear the good news that their little son or daughter is in remission.

What an unwise choice. What a profoundly reckless judgment is being made in this bill. I would urge opposition to this bill for this reason, among many others.

Mr. OBEY. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Madam Chairman, I thank the ranking member for yielding me this time.

Unfortunately, I must rise in opposition to this bill, and for many of the same reasons already mentioned: the underfunding of the Leave No Child Behind Act, the cut in the children's health programs, the LIHEAP energy assistance program for low-income people, Head Start, and cancer treatment and research.

Today, however, Madam Chairman, I would like to speak on urban hospitals, the hospitals in America that treat most Americans when they have traumatic illnesses. Urban hospitals need help in our system, and we are not in

this bill giving them that help. Urban hospitals treat hundreds of thousands of people with uncompensated care, no insurance or underinsurance.

It is unfortunate that our country, the richest in the world, cannot at this time help our hospitals that are in critical condition. I met with my group of doctors just this last Monday, the Michigan State Society of Medical Doctors. They all talked about not being able to treat patients, about the reimbursement rates and the underinsuring. Many of them are dropping patients. We have got to do better by our health institutions. Our health system is in critical condition. This Congress could help support that. This bill does not do that.

I cannot support this bill in its present form, and I would hope we could go back to get a better bill to help the people of America, to help the seniors that have built this country, and so that our health care system in our urban hospitals can sustain themselves and take care of their mission, which is taking care of the people of America.

Madam Chairman, I rise today to express my dismay and concern about H.R. 2660, the appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies. This bill is being touted, even hailed, as a major achievement on behalf of supporting the education of our children, in addition to providing financial resources for our Nation's schools. The facts of the matter are, this bill is terribly flawed, under-funded and misrepresented.

The bill is terribly flawed for the following reasons. First of all the bipartisan supported No Child Left Behind Act is a gargantuan unfunded mandate. The President promised to revamp our educational system, to make schools accountable, to raise standards, to increase teacher competency and training, and to increase parent involvement. Instead, what has been delivered amounts to lip service.

The Labor HHS bill seriously under-funds the No Child Left Behind Act by $8 billion and provides the smallest percentage increase in education funds in eight years. The bill requires school districts to meet student testing requirements, improve teacher quality and imposes other mandates. Additionally, the bill falls $350 million short of the $3.3 billion promised in (real terms) to states to improve teacher quality. Fifty-four thousand fewer teachers will receive high quality, federally-supported professional development.

This bill falls $334 million short of the $1 billion in Title I funds promised. In my home state of Michigan, under this bill, the children of Michigan will lose $202 million in Title I grants below the amount called for by the No Child Left Behind Act. This situation is further compounded by the fact that after-school learning opportunities are being short-changed. Under this bill, Michigan will lose $23 million in After-School Program Funding.

I said earlier, this bill has been misrepresented. This fact is true. Children and entire school systems are going to be left behind. The American public has been fed a feel-good diet of positive rhetoric by the President regarding our educational system. The reality is, the promises are empty, the financial cupboard is bare, administrators are disillusioned and our children are the losers. The insult that is added to the injury is that State budgets are crippled by unprecedented tax cuts that have been enacted, despite the reality of downward spiraling State economies.

As a member of the Appropriations Committee, I have been a witness to the collegial discussions about the constrained budgetary environment we are forced to operate within, thereby causing the under-funding of vital programs such as No Child Left Behind. I cannot sit by idly and embrace the current rhetoric that our Nation's school systems and their students are well-served by the bill before us today. This is not a good bill for America's children.

Madam Chairman, we are telling our children that the pursuit of an education and obtaining a degree will unlock the doors to opportunity. I am compelled to pose the question, where will the money come for to pay for students to attend school? Let us consider this, tuition at colleges and universities is increasing rapidly. Under this bill, grants such as Pell Grants, will finance only 38 percent of the cost of a public university—compared to 84 percent when the Pell Grant program was established. Students are confronted with greater costs and fewer means to pursue their dreams.

I stated earlier that this bill is being touted, even hailed, as a major achievement on behalf of supporting the education of our children. Furthermore, the President has informed Americans that needed financial resources are being provided for our Nation's schools. The facts of the matter are, this bill is terribly flawed, under-funded and misrepresented. The bill under consideration does not best serve the needs of so many of our Nation's students and school systems who were promised a first-class funded educational system, but instead they will receive thrift store funding. False hopes were created and broken promises in the form of un-funded mandates will now be the reward. I urge my colleagues to reject this bill.

We are experiencing a health care crisis in our Nation. In my district alone, there are two hospitals that are operating at such negative losses that they may be forced to close. These urban-safety net hospitals, like most other urban hospitals across our Nation, have a high percentage of uncompensated, uninsured and underinsured care. They do not turn anyone away. We cannot turn our backs on them as well.

The closing of these hospitals across our Nation creates a cascading effect that only adds to the health care emergency in our Nation. When one hospital closes, other hospitals must take on the burden of uncompensated care and the problem continues until the next hospital closes. When are we going to step up to the plate and ensure that we provide the funds necessary to fix our shattered health care system?

Instead of passing tax cut after tax cut that only raid our cupboards and benefits the wealth, Congress should take heed of the problem our urban hospitals are facing and provide a funding stream to help these important health care entities in this bill that provide a high percentage of uncompensated care. But no, tax cuts are more important.

Our distinguished ranking member of the Appropriations committee, Mr. OBEY tried to offer an amendment that would have restored Medicaid and SCHIP coverage to children who have been removed from those programs over the last two years. This amendment was defeated on a rollcall vote in committee. The amendment would have provided the funds by making modest reductions in the benefits that the highest-income taxpayers received under the 2003 tax bill.

At a time when high unemployment is causing many Americans to lose their job-related health care coverage, the State fiscal crisis is leading States to cut back health coverage through Medicaid, SCHIP and various state-finance programs. This is acceptable to many here in Congress that would prefer to see massive tax cuts than a strengthened health care infrastructure.

With States making the difficult decisions of cutting Medicaid and SCHIP eligibility, more and more individuals are joining the ranks of the uninsured. This in turn puts more of a burden on our hospitals that already are struggling to keep afloat. We need to get our priorities straight. We can do much better than what we have done with this bill to help those across our Nation.

Mr. OBEY. Madam Chairman, could I inquire as to how much time remains on both sides.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Ohio (Mr. REGULA) has 9 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 32 minutes remaining.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Madam Chairman, let me talk a little bit about some of the programs that I am so concerned about.

ALS is one program that has affected my office. I know that this disease is familiar to many, many people because of Lou Gehrig. It is a rare disease; but when you see it firsthand, you begin to recognize what research could do. A person becomes completely debilitated with this disease; and depending upon the severity of it, it happens either very quickly or it happens over a long period of time.

Now, the mind remains completely clear, but physically they deteriorate substantially and finally die after a period of either 1 to 5 years. So any increase in this program would be a real benefit to the people that have this dreaded disease.

Also, let me talk about diabetes, because in my district I have the highest rate of diabetes in the country. Now, we put $10 million in the defense budget for research for one part of my district because Brownsville, Pennsylvania, has the highest rate in the district so it is the highest rate in the country itself. And, of course, diabetes has so many ramifications that are directly related to it, and this research is so important.

Education, in my estimation, is the key. We have to spend some money convincing people that once they eat right and they do exercises they are going to limit their opportunity to

have diabetes. And I am talking about Type 2 diabetes. I am not talking about Type 1 diabetes. Matter of fact, we have a young woman that was Miss America, of I think 1999, from the district, who had Type 1 diabetes. She has been out talking about it, and she convinced me that we needed to do something about this.

Alzheimer's disease and of course Parkinson's disease are two more of great concern to me. Joe McDade, who served in this House for 35 years, developed Parkinson's disease, and I sat beside him and saw him. His mind was completely clear, but it debilitated his body. Now, he has worked his way through it with drugs, and improvements in drugs made a tremendous difference.

I appreciate what this committee has done over the years in the research facilities and the work they have done in order to make sure there is as much money available as possible. I would hope that when we go to conference with this bill, we will be able to make sure that these research projects, which are so important, and which we have tried to supplement what you do in the defense bill with money for breast cancer, for ovarian cancer, for research in those areas, but I am hopeful you will be able to do even more in your bill this year. Because it has such a dramatic impact on preventing these diseases and, of course, actually saves us money in the long run.

So I would urge the committee when they go to conference to make every effort to increase the amount of research for these very debilitating diseases.

Mr. REGULA. Madam Chairman, I yield myself such time as I may consume to point out to the gentleman who just spoke, the gentleman from Pennsylvania (Mr. MURTHA), that we do have report language urging NINDS to focus on ALS. I know it is a devastating problem for those who are afflicted, and we are concerned about it.

Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, the Labor, Health and Human Services and Education bill has always reflected our priorities as a Nation. I believe we have an obligation to the people of this country to provide services that help us meet the most basic needs we have as a community, be they health, the education of our children, or scientific research that finds the medical cures for tomorrow.

Wherever one stands on the distribution of tax cuts that the Republican leadership in this Congress has passed, it is undeniable that they have significantly limited this government's ability to meet those challenges and to do our jobs. And of all the glaring inadequacies in this bill, cutting funding for the National Institutes of Health, the largest and the most distinguished biomedical research organization in the world, might be the most egregious.

It is not overstating the case to say that the NIH has prolonged or improved the life of every American. Childhood leukemia, because of research at NIH, the cure rate is now 80 percent. Diabetes, because of new treatments in Type 1, diabetics are now producing their own insulin, no longer requiring daily injections. NIH is also working on state-of-the-art treatments for Alzheimer's, Parkinson's and HIV.

As someone who was diagnosed with the deadliest of gynecological cancers, ovarian, more than 17 years ago, I know firsthand how this research has changed lives. It saved mine. And today, because of a new test to find ovarian cancer in its earliest stages, through a simple blood screening, millions of women will get the treatment that they need when it is most effective. That is the power of the NIH.

All of this has only been made possible because of a commitment we have had in the Congress to double the NIH's budget which created the most outstanding generation of basic and clinical scientists in history.

So what does this bill do? It breaks that commitment to double the NIH budget. It cuts NIH funding in real dollar terms. There will be no room to fund new research ideas, or little room. It will threaten NIH's abilities to continue its support for large clinical trials that go well beyond what the industry can fund. And by effectively paving the way for smaller, less expensive studies and clinical trials, scientific research will often be reduced to mere suggestions and not definitive conclusions.

Mr. Chairman, say what you will about the virtues of tax cuts, they do not save lives. Americans need to recognize that this debate is really about choice. It is a choice between medical research that touches every single American life, every life, and a trillion dollar tax cut that affects mainly the wealthiest in this country. And I guarantee that if Americans are forced to make that choice, that if the facts are laid before them, they would choose medical research each and every time.

For generations this body has made the right choice. Oppose this bill. It is an abdication of our responsibility to millions of American families and to this institution.

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

Mr. OBEY. Mr. Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 26 minutes remaining, and the gentleman from Ohio (Mr. REGULA) has 8½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. DICKS).

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

□ 1330

Mr. DICKS. Mr. Chairman, I rise today to discuss the Impact Aid program, which is critically important to me and many of my colleagues across the country. The Sixth Congressional District of Washington State, which is impacted by several large and vital military installations. Our region willingly hosts thousands of Active Duty personnel, who represent a large economic force in the Pacific Northwest. Washington is also home to 27 federally recognized Native American tribes. However, with these advantages comes a drawback: the loss of substantial property areas from the local tax base.

As my colleagues know, military bases and tribal lands do not pay most State and local taxes, but local school districts are still required to provide an education to children that live on these lands. Often this imposes millions of dollars in additional costs to these districts. Congress created the Impact Aid program to address this glaring problem.

I was extremely disappointed when the President submitted a budget to Congress earlier this year that contained a cut of more than $170 million to this important program. This proposal was very poorly considered, coming at a time when hundreds of thousands of troops were preparing for deployment around Iraq. As it becomes more and more apparent that large numbers of American troops will be required to remain in Iraq for the foreseeable future, the decision of the President to cut funding for educating their kids is more difficult to comprehend.

I commend the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) for coming to the rescue of Impact Aid and rejecting the Bush proposal. However, even with that, the Department of Education estimates that another $583 million is necessary to meet these needs. With the hundreds of billions of dollars that the Congress and the President have dedicated to tax cuts, it is astounding that we cannot find just a half billion in this budget to fully meet the needs of the children of our men and women who are fighting overseas on our behalf.

For years I have worked closely with dozens of Democrats and Republicans to make this a bipartisan proposal. Again, I commend the chairman and ranking member for fixing part of the problem, but we still have more to do.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, today we see the consequences of the massive tax cuts of the Bush administration. Theirs is not a policy of benign neglect, theirs is a policy of designed neglect. It is a policy to defund the government in 2010 and 2015 and 2020 and 2025. That is $3 trillion worth of tax cuts over that time frame which has already been passed.

Well, that means that the money will not be there for nursing home care for the 14 million Americans who are going to end with up Alzheimer's, with the 5 million with Parkinson's, the money will not be there for nursing home care for those seniors. What is the alternative? The alternative is to cure Alzheimer's and Parkinson's and ALS. That would be the NIH budget here today. But they are only going to increase that budget by 2 percent.

Now, the budget for smart bombs is unlimited; unlimited, but the American people want the same budget increases for smart medical research because it is just as important for the protection and defense of the family well-being of those tens of millions of families who are going to be afflicted by these diseases.

The gentleman from Ohio (Mr. REGULA) has a heart of gold. He really does. He is a wonderful man; but the overall environment of these massive tax cuts that the Bush administration has put in place makes it impossible now for us to fund either end of this spectrum, either the long-term nursing home care for those Americans who are going to be afflicted by these diseases, or the full funding, the doubling of the funding, the tripling of the funding which as a consequence would be necessary in order to cure those diseases. We cannot have it both ways. It is either one or the other. We must increase the NIH budget to protect the long-term interests of all American families.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in opposition to this bill. As cochair of the Biomedical Research Caucus, the House Cancer Caucus, the Heart and Stroke Caucus and as founder of the House Nursing Caucus, I can tell Members that this bill shortchanges the health of the American people. It is inadequate in so many ways, but I want to focus on just one.

We are missing a tremendous opportunity to support critical biomedical research that can save lives. Congress last year completed the doubling of the NIH budget after years of underfunding this national institution. This was a tremendous accomplishment supported by Members from all across the political spectrum, but now we are going to begin throwing away the benefits from responsibly funding NIH. It is terrible news for cancer patients, heart disease patients, and others suffering from chronic diseases.

I watched my daughter Lisa struggle with lung cancer, pinning her hopes on a clinical trial. For these people to have hope, we need to fund new research, not just to continue existing grants. They need cures and treatments that have not been discovered yet. This bill will not allow new research. Instead, it will severely curtail new research opportunities.

An optimistic assessment shows that under this bill, NIH will be only able to provide 21 new grants next year. The 2.5 percent increase in the bill does not match NIH's estimates of inflation in research costs. Cancer patients, heart disease patients, Alzheimer's patients, stroke survivors, Parkinson's patients, ALS, many others are just going to have to wait. This bill defers their hopes of new cures.

As many of my colleagues have stated, we are seeing the cost of these tax cuts. The majority will tell us we cannot afford spending for institutions like NIH above the 2.5 percent increase, we cannot afford the benefits of life-saving medical research. The irresponsible tax cuts the majority has rammed through are costing us lives. We should reject this bill and get our priorities straight.

Mr. Chairman, I do not want to tell the cancer patients in my district that their research has been blocked. Do you?

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, given my deep respect for the gentleman from Ohio (Mr. REGULA) and his sincere efforts to address critical needs within the restraints that he was given, I regret that I must rise in opposition to this bill.

I am particularly concerned about the funding levels for the Older Americans Act programs and their impact on the elderly of our Nation. The Older Americans Act of 1965 was passed the same year that Medicare was enacted to meet the needs of elderly Americans and to enable them to live their twilight years with dignity and respect by helping them with nutrition, transportation, and other services that would allow them to stay independent and in their homes. This bill jeopardizes that promise.

It is hard to overpraise the generation that our parents and grandparents represent. Theirs is the generation that helped to make this Nation great. Unfortunately, because this bill provides less than a 1 percent increase for programs in the Older Americans Act, even after the committee restored the $25 million cut in the President's budget, senior services critical to their quality of life will have inadequate funding; services such as Meals on Wheels, in-home support services, preventive health programs, and programs to guard against elder abuse and exploitation.

This inadequate funding will also create greater headache in the future when one considers that one-sixth of our Nation, over 46 million people, are already 60 and older, and that by 2005 an estimated 13 million more baby-boomers will join them.

I ask my colleagues to vote against this bill and to send our elderly a strong message of support and appreciation for their past sacrifices and their right to live with dignity and respect.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to associate myself with the remarks of the previous speaker, the gentlewoman from California (Ms. ROYBAL-ALLARD).

I think it is a disgrace in this budget, although our chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), have made the best out of a bad situation.

We are underfunding the Older Americans Act. At a time when our baby-boom generation is getting ready to retire, it seems to me we ought to be getting prepared to deal with these issues. Instead, I will give an example of two programs that we severely underfund in this budget because of the allocation we are given; one, the Meals on Wheels program, and the Congregate Meals program.

I can tell Members, having been out there with meal site workers and with those on the Meals on Wheels program, this is the only meal they get any day. I have been in the homes. These people are looking forward to the knock on the door. In fact, some seniors leave their door open, and we all know how concerned they are with someone breaking in, but they leave the door open when they know the meal site worker is coming by to deliver that hot meal. When the worker comes in, they want to take the dessert and the bread and put it over here because that is their dinner. They have one meal per day, and we are underfunding Meals on Wheels in this bill.

The second issue I want to take up is the issue of the caregiver program. I do not understand our priorities. I thought we were about trying to save money and save lives. It seems to me there is no more valuable way to take care of our seniors than to have the very family members, their spouses and their children, give them the opportunity to take care of their parents. It is $40,000 a year to keep a senior citizen who has disabilities in a nursing home. Why put him in a nursing home when they do not want to go to a nursing home; and, two, and they can live independently at home with just a little support from a family member. We are cutting the caregivers' program. We spend $5 per caregiver so they can take care of their loving spouse.

To me, this budget does not reflect America's priorities. I know I am going to vote against it, and I think we are seeing the consequences of these $3 trillion tax cuts when it comes to delivering hot meals to seniors.

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

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member and the chairman of the subcommittee for their efforts.

I rise in support of the Obey substitute, and specifically the increase in

Low Income Home Energy Assistance funding it provides. The underlying bill has only $1.7 billion in regular LIHEAP funding appropriations and a small $100 million account for contingencies.

The gentleman from Wisconsin (Mr. OBEY) wisely provides $2.25 billion in regular appropriations for LIHEAP. For low-income and elderly Americans trying to weather through the terrible energy bills in this country, LIHEAP is critical, and every dollar helps out.

But for folks from the South, there is even a bigger reason to support the funding level in the Obey amendment. LIHEAP funding has a $1.9 billion threshold, which means that after funding exceeds that level, Southern States that use LIHEAP for cooling during the summer months receive a fairer portion of the funding. People die from heat more than from cold in our country.

The Obey amendment provides an additional $28 million in low-income assistance for Texans struggling to pay their electric bills. Texas LIHEAP averages about $500 per family, so that means an additional 56,000 families could be reached just in Texas alone.

The President in his Statement of Administrative Policy says he believes we need more LIHEAP funding. I bet if he saw the levels in the Obey amendment and if he saw what it means for low-income Texans, he would support it, too.

I strongly believe that the LIHEAP formula needs to be reformed to address the situation in the hotter Southern States. Texas receives the second lowest amount per low-income person in the country under LIHEAP, about $10. Minnesota receives $160 per low-income person. My colleagues know that heat causes serious health problems that can kill. According to the National Weather Service, in 2000 and 2001, there were 324 heat-related deaths and 30 cold-related deaths. Heat worsens heart conditions, lung conditions, diabetes, circulatory conditions. During a Texas summer, for old folks and the disabled and those with chronic conditions, air conditioning is a lifesaver, not a luxury. I urge my colleagues to support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

□ 1345

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let us think for a moment about what our great Nation can be and then think at the same time about the direction in which we are going. And this legislation, this appropriations bill reflects the fact that we are moving in a very bad direction. The reality is that in our great Nation, we have the capability of providing a decent life for all of our people. The middle class should be expanding, not declining. Poverty should be going down, not increasing. Unemployment should be going down, not up. We should be taking care of the most vulnerable people in our country, the elderly, the sick, the children, not seeing them exposed more and more to the dangers that impact upon their lives. We should be asking the wealthiest people in this country to help make our entire Nation great, not provide trillions of dollars in tax breaks for people who do not need it.

That is what the United States of America is about. That is where we should be going, a good life for all of our people, not extraordinary wealth for a few, the decline of the middle class and an increase in poverty. In terms of our elderly, think about what millions of elderly people are trying to do today, as we speak, in an attempt to survive on Social Security. They are trying to figure out how can they afford to pay the outrageously high cost of prescription drugs which the pharmaceutical industry imposes on us. They are thinking about in the cold weather, States like Vermont, how can they heat their homes when oil prices go up and they have inadequate sums of money. They are thinking about what happens to their family if they need home health care, if they need a nursing home. They are thinking about the pleasures that they receive, few as they may be, when they are getting Meals on Wheels delivery to their homes. These are frail people who cannot leave their homes, who every day have someone knock on the door giving them sustenance. These are people who once or twice a week go to a congregate meal program which gets them outside of the home, which enables them to socialize with their friends, which enables them to see a social worker which adds years to their lives. And then think about what this bill does and what the right wing Republican agenda is all about. What the agenda is about is to defund the basic programs in this country that protect the littlest children and the oldest people, that provide people with a basic minimal standard of living.

We have got to defeat this legislation, cut back on these huge tax breaks, and make sure that all Americans get the kind of help that they need.

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

Mr. OBEY. Mr. Chairman, I yield another 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY), who has the quaint idea that we should not be gutting our efforts to control child labor.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to thank the gentleman from Wisconsin for his steadfast leadership on these issues of great importance.

I would like to again ask to have the remarks of my predecessor be included in the RECORD as remarks that I would be associated with.

And let me say to the people what this bill does in terms of child labor. We always complain when we see those stories about that 5-year-old, that 12-year-old over in some part of this world that is weaving together a rug that will be sent back to this country and sold at Wal-Mart for $10. And yet $10 will probably be all that child sees in any given year, and under this bill this administration cuts by over $100 million the funding to inspect and enforce child labor laws around the world.

Let me just give an example. Between 5 years of age and 14 years of age, there are over 250 million children between 5 and 14 who are working in violation of the International Labor Organization standards. Do the Members not think we ought to do something about that. Do the Members not think that this country has a moral obligation to ensure that these children are not being exploited? Apparently, the administration does not feel that way. They have cut the budget $100 million.

Right now the President is over in Africa. He is talking about HIV/AIDS. Remember he was promising them a lot of money? Guess what. In this budget he cuts funding for HIV/AIDS partnerships through the ILO, which can help create a private sector involvement to help tackle the scourge, the pandemic of AIDS in Africa. That money has been cut. So we can most clearly see our Nation's priorities are based upon where we spend our money. Millionaires in this country get $87,000-a-year tax cuts, millionaires; but we are going to underfund inspections of child labor. That, I think, is a disgrace.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, the bill before us has many shortfalls that are being detailed today. Underlying many of them is the need for funding for nurse education programs. We are in the midst in this Nation of a growing nurse shortage. The nursing workforce is aging and approaching retirement. Fewer and fewer nurses are coming into the field. Today we are currently short 126,000 nurses. The demand for nurses will increase by more than 25 percent over the next 7 years; and according to the Bureau of Labor Statistics, we will need 1 million more nurses by 2010 to meet the needs of this country. To make matters worse, these shortages will peak just as the baby boom generation begins to retire. The shortage is already complicating the deliver of everyday health care.

As health care professionals can tell us, dealing with the nursing shortage is about ensuring quality patient care. The joint Commission on Accreditation of Health Care Organizations has studied the link between staffing shortages and increased medical errors and found that one quarter of all unexpected deaths and injuries caused by hospitals

can be linked to the lack of nurses. The nursing shortage is hampering our homeland security preparedness efforts. Who is going to administer smallpox vaccines or other bioterrorism treatments if we do not have enough nurses? Last year the Congress recognized this threat to health care and preparedness in our country. We have passed the new nurse reinvestment act to recruit and train nurses and keep current nurses on the job.

But the bill before us fails the commitment we made just last year to address the nursing shortage. It offers no increase for funding as this baby boom generation approaches retirement, no way to deal with shortages in this bill. The nursing funding is already so low compared to other health care priorities that it should not be cut at all. In fact, in 1974 during the last serious nursing shortage, funding for nurse education programs was $153 million. In today's dollars that would be worth $533 million, almost five times what we are spending now.

We can afford to make a modest increase in this underlying bill to address today's shortage. We must do this. If we miss this opportunity to make an investment in our health infrastructure and our homeland security efforts, we will be reaping the consequences of yet another reason we should not have voted for that huge tax cut. And I urge my colleagues to vote against this bill. Let us start over again and address the nurse shortage.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I want to discuss some ways this bill falls short in our commitments to eradicating child labor and promoting core labor standards. Less than a month ago, Secretary Chao stood before the International Labor Conference and proclaimed the administration's solid support for ILO programs. She even announced ''new'' initiatives to combat child labor and to fight the scourge of AIDS. In the days when the credibility of the United States is strained, it is unconscionable to make hollow promises, and that is what Secretary Chao did when she implied the administration would ramp up the International Labor Affairs Bureau's work, including expanding HIV/AIDS prevention programming.

My colleagues, like the administration's fiscal year 2004 budget, the bill before us provides $12.3 million for ILAB. A 92 percent reduction in funding for the Bureau would gut our efforts to eradicate child labor and promote decent labor standards abroad. Furthermore, our ILAB public-private partnership aimed at combating the spread of HIV/AIDS would be completely eliminated.

Mr. Chairman, the International Labor Affairs Bureau's programs are working. Since fiscal year 1995, our child labor elimination projects have targeted more than 500,000 children for prevention or removal from exploitive work. In turn, more than 140,000 children have been either prevented or have been removed from exploitive work; and since October 2002, 24,000 children have been removed from just awful conditions and placed in education and training programs. ILAB assistance has also resulted in 41 counties making commitments to initiate programs or expand existing projects that are designed to promote and implement core labor standards, including occupational safety, health, model job banks, mine safety programs, veterans employment and training. I realize that as of May 31 ILAB had only obligated 8 percent of its fiscal year 2003 appropriated funding.

Please let us vote against this bill so we can work with the Senate and expand the numbers for this very important program.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Republican bill. Democrats were denied an opportunity to offer our substitute that would have reversed a decade-long funding stranglehold that has provided flatline funding on the senior citizen meal program, including Meals on Wheels. In the past I have offered amendments during the appropriation process to reverse this trend, and the Republican majority has stricken my amendments in conference. The funding for senior meals programs when translated into today's dollars has steadily been dropping when adjusted for inflation, and this has resulted in significant reductions in meals provided at senior centers. In my district, from Ironwood to Au Gres, senior centers have been struggling to keep their heads above water because funding has dwindled.

In fiscal year 1994, we allocated $151 million for the Nutritional Services Incentive Program. If we were merely to just keep pace with inflation, the funding today should be $191 million. Instead, the proposal in the Republican bill cuts funding by $2 million to below where we were in 1994, where we are at $149 million. This decrease in funding ignores the large growth rate in the senior population and insults senior citizens who depend on these programs to feed themselves daily. I repeat. This Republican bill continues a decade-long flatline funding plus cuts another $200 million from the senior meal funding and ignores the needs of seniors in my district and throughout this country.

I urge all Members to vote ''no'' on this appropriation bill.

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

Mr. Chairman, we have documented the numerous ways in which this bill does not meet its responsibilities to the American people. The situation we are in is basically this: We are going to be asking the majority to reconsider a decision it made just a few weeks ago to put all of our eggs in one basket in the form of tax cuts rather than reserving some of those eggs and putting them into needed health care and education and worker protection programs. The problem with the way this House is being run is that the budget system is being misused to hide from the American people the consequences of the actions taken by the majority party on tax policy.

□ 1400

They want to hide behind the House rules and say, ''Oh, look, we already decided the tax issue, and so now you are stuck with the room that is left under the budget resolution.'' We do not think that is a good enough reason to continue to do something that is stupid and unfair and, in some cases, heartless.

What we are asking our majority Members to do is to reconsider the decision that decided that it was necessary to give millionaires in this country an $88,000 tax cut. We are asking you to use an unusual procedure in order to revisit that decision and instead limit that tax cut for those 200,000 people who make more than $1 million a year, limit that tax cut to $44,000 a year, so that there is some room in the inn left to improve the quality of education for our kids, to protect our workers against child labor, and to see to it that not a single child in this country is knocked off the health care rolls because of State budget crises.

So that is a simple choice. Now, you can try to convince the press and convince the country that you have already made these decisions and so you have no choice but to move on.

You always have choices. You always have choices. It depends on whether you are willing to insist on exercising them. Every person who votes for this bill today will be saying they would rather leave the tax package as is and go ahead with this bill as is. I do not think that is a wise decision. I do not think it is going to be an acceptable decision when the American people understand what you have done.

The choice is very simple: Are we going to make kids pay for giant-size tax cuts for the most privileged people in this society, and, in the process, weaken their ability to get a good education and weaken their ability to be taken care of when they need to see a doctor or a nurse? That is the simple choice.

Mr. Chairman, with that, I would simply appeal to Members' consciences.

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

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MCHUGH) for a colloquy.

Mr. MCHUGH. Mr. Chairman, very briefly, we deeply appreciate the consideration the gentleman from Ohio (Chairman REGULA) has given to the Low Income Home Energy Assistance Program and we know he understands the importance of this vital program. Many of us remain concerned, however, Mr. Chairman, about the direction as it is contained in this bill.

As you know, prices this year for energy are up 30 percent for natural gas, 60 percent higher for heating oil, 25 percent higher for propane, and on and on and on. We certainly think that as the process continues, we need to look at this issue further, and we would, in spite of all your good efforts to this point, urge you to continue to recognize the impact that our Nation's current weakened economy and the high price of energy on low-income and fixed-income energy consumers is having.

We would certainly hope that LIHEAP could be increased to avoid a crisis, and urge you respectfully, Mr. Chairman, a consistent supporter of this initiative, to consent to working toward that $2 billion in funding for LIHEAP as was agreed upon by the Senate.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for voicing his concerns. In my own State I have seen firsthand how critical LIHEAP is for low- and fixed-income families. I support providing an adequate funding level for this program.

When the House and Senate go to conference on this appropriations measure, I will work with my colleagues to ensure the viability of this crucial program.

Mr. MCHUGH. Mr. Chairman, reclaiming my time, I thank the gentleman for his consideration.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, this bill before us today will fund the Departments of Labor, Health and Human Services, and Education, in my opinion, at the appropriate levels. It maintains fiscal discipline and makes necessary spending reforms, and it also sets priorities. It reflects America's commitment to education, Federal health initiatives and working families.

The bottom line is that it meets our needs, and, of course, it does so without raising taxes. But raising taxes is exactly what the minority wants to do. It is the basis of the proposal of the gentleman from Wisconsin (Mr. OBEY) and most of the people that have spoken on the other side of the aisle.

The gentleman from Wisconsin suggested earlier that he thinks 90 percent of the people affected by his tax hike actually want higher taxes. I repeat, the Democrats think Americans want and deserve higher taxes. Now, that is a debate I wish that we could have every week, every day, on the floor of this House, because the gentleman from Wisconsin (Mr. OBEY) says his tax hike, and I thank him for his candor, would only cost a small business $28,000. Only $28,000.

Mr. OBEY. Will the gentleman yield? I never said any such thing. I never mentioned any small business.

The CHAIRMAN. The time is controlled by the gentleman from Texas (Mr. DELAY).

Mr. OBEY. If the gentleman is going to quote me, he ought to quote me accurately.

The CHAIRMAN. The gentleman will suspend.

Mr. OBEY. Do not use the rules to lie about what I said.

The CHAIRMAN. The gentleman is out of order and the time is controlled by the gentleman from Texas.

POINT OF ORDER

Mr. CUNNINGHAM. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CUNNINGHAM. Mr. Chairman, it is correct that it is wrong to use the term directed to another as a ''liar'' on the House floor, and, if so, I wish the gentleman's words to be taken down.

The CHAIRMAN. The Chair rules on the point of order that the Member must avoid such personal references to other Members.

The gentleman from Texas (Mr. DELAY) may continue.

Mr. DELAY. ''Only $28,000.'' But $28,000 to a small business is a job. That is a salary, money a small business could use to hire a new employee. And they want to take it away.

Now, Democrats want to stifle job creation to fund their big government programs. But, Mr. Chairman, Republicans know better. We understand that the economy cannot be improved without job creation, and we understand that 70 percent of all new jobs are created by small business.

So, when the Democrats propose raising taxes on the very small businesses that would create these jobs, you have to understand our confusion, and you have to understand our excitement. After all, this has been a wonderful debate, and I want to thank the gentleman from Wisconsin and the Democrats for their clarity and their consistency. I want to thank them for touting this idea to raise taxes on small businesses and stifle job creation. I truly do.

Though, I have to admit, when I heard about the Democrat's proposal, I almost forgot what year it was. I started looking around for bell-bottom pants and aggressive chest hair. But before I dusted off my polyester, you will be happy to know, Mr. Chairman, that I had come to my senses, because, despite the earnest wishes of the Democrats, it is not 1977 anymore, and hiking taxes to pay for big government programs is as dead as disco.

Now, I do not mean to single out the gentleman from Wisconsin (Mr. OBEY) or the Democrats. After all, as you can painfully see, a lot of bad ideas were fashionable in the 1970s. But nowadays big tax-and-spend hikes make as much sense as my old pink and red leisure suit.

Mr. Chairman, thankfully most Americans had the common sense to let the embarrassing fashions of the 1970s go. So on behalf of everyone with a picture like this in their family album, I urge my colleagues to vote for this bill and vote against the small business tax hike of the disco Democrats.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would ask the gentleman, who is that nice-looking girl with that young guy?

Mr. DELAY. Mr. Chairman, that is one of the most beautiful women in the world, my wife.

Mr. REGULA. Mr. Chairman, I yield 2 minutes and 25 seconds to the gentleman from Texas (Mr. SESSIONS) for a colloquy.

Mr. SESSIONS. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies for yielding to me and for his tremendous work on this legislation and important issues. I also want to thank the chairman for working with me to provide adequate funding for Down Syndrome research, particularly in the area of enhancing cognition and preventing the early onset of dementia for people with Down Syndrome.

This year, the National Center on Birth Defects and Developmental Disabilities at the Centers for Disease Control recognized the need for studies in these two areas. The first study would develop estimates of the number of persons with Down Syndrome by age group and racial and ethnic breakdowns. The second study would document the onset and the course of secondary and related developmental disorders and health conditions of individuals with Down Syndrome. The committee report makes reference to these proposed studies, and I want to thank the chairman for including that language in the report.

Current estimates indicate that there are approximately 350,000 individuals living in the United States today with Down Syndrome, but we do not know how they break down by age group or by ethnic group. We also do not know why children with Down Syndrome are more at risk for developing secondary conditions, like autism and obsessive-compulsive disorder.

Mr. Chairman, I want to know, do the gentleman agree that the funding of these studies should be a national priority?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's leadership on this issue and agree with him that the study of Down Syndrome should be a national priority. The committee has encouraged the NIH and CDC to place a greater priority on Down Syndrome research, which has generally lagged behind other kinds of disability research. The testimony that was provided to the subcommittee on May 13 was very informative and very helpful, and I look forward to working with the gentleman from Texas to encourage NIH and CDC to fund this important research.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his comments and would ask if he would be willing to work with me in the conference towards funding these two studies of the CDC in fiscal year 2004?

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, I look forward with working with my friend to address these specific concerns in this appropriations bill.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I thank the gracious gentleman for his time and for his work.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the House rules.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. PORTER) for a colloquy.

Mr. PORTER. Mr. Chairman, I represent the Clark County School District in the great State of Nevada, the seventh largest school district in the country.

Nevada is the fastest-growing State in our Nation and has grown more than 75 percent since the 1990 census. Clark County School District is accepting close to 12,000 new students a year, opening more than a dozen new schools and hiring over 1,800 teachers a year.

Education funding levels are not keeping pace with the population growth occurring in Clark County, Nevada. A major problem the Clark County School District faces is the number of new students moving into the district that come from other school districts, many from other States, where funds previously allocated for that student are not following them to Nevada.

Currently, the Census Bureau has been conducting biannual updates to calculate and update current population to be used in establishing Federal education funding in Title I of No Child Left Behind.

Nevada, more specifically Clark County, would benefit significantly from an annual poverty update to be provided for in the Labor-HHS-Education appropriations bill. I commend the committee for including the language to provide $3.5 million to the Census Bureau to conduct an annual poverty update. This language will help track population changes as closely as possible.

While I appreciate the committee's efforts to address the needs of fast-growing States, Mr. Chairman, you understand the degree to which Nevada suffers Federal funding shortfalls due to our exponential growth.

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Therefore, I would request that the chairman of the subcommittee continue to work with me to secure additional funds to help Clark County and the State of Nevada fill some of the funding gaps we have been facing.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's comments. I will be happy to work with my colleague, the gentleman from Nevada (Mr. PORTER), as this legislation moves through the legislative process.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Ohio for his attention to this matter.

Mr. REGULA. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. REGULA. Mr. Chairman, let me say to the people who are watching, we are going to do some procedural things. We are making every effort to try to get this bill finished in a timely manner, so bear with us.

Mr. JOHN. Mr. Chairman, today I intended to offer an amendment to fund the fight against mosquito borne illnesses such as the West Nile virus. However, due to the agreement for limited debated on the Labor-HHS Appropriations legislation I was not able to offer the amendment. I would like to express to my colleagues on the Appropriations Committee the importance of addressing this issue in conference.

I commend the CDC for the work that they have done on educating our constituencies on prevention and for the support they have given for surveillance. Unfortunately, the CDC and many others were taken by surprise by the aggressive nature of the virus. And although the House appropriators have seen fit to increase CDC funding for the West Nile virus it is simply not enough. Counties across this country need help with controlling mosquito outbreaks. Education and surveillance alone is not going to put an end to the spread of this virus.

This is a major public health threat, and Congress has recognized this by passing the Mosquito Abatement Safety and Health Act. H.R. 342 would provide financial assistance to localities as they attempt to battle the spread of such an aggressive virus. Both the House and Senate have recognized the importance of this legislation by passing my bill, and I am anxiously awaiting final negotiations on the bill so that it can be sent to the President for his signature.

But an authorization is not enough, as we all know. This legislation needs to be funded at its authorized amount—$100 million. As of July 7, 28 states have experienced the West Nile virus, and the first human case of 2003 was diagnosed last week. For many of our constituents there are months of West Nile activity still ahead. Most of the 4,000 plus cases of West Nile infection in 2002 occurred in the last 6 months of the year.

Mr. Chairman, I urge my colleagues on the Appropriations Committee to further fund the fight to stop the spread of mosquito borne diseases and to appropriate funds for H.R. 342 when it is authorized—which I hope will happen before a conference on the Labor-HHS bill concludes.

Mr. BACA. Mr. Chairman, I rise in opposition to this bill.

For the past 2 years, the Bush Administration and the GOP have claimed that they are about educating children. But with this bill, Republicans are proving that they do not.

Where is the money that Republicans promised with the No Child Left Behind Act? The bill shortchanges our children by nearly $8 billion dollars.

This bill slows increases in education spending from 19 percent to 4 percent.

Republicans have promised to leave no child behind but under this bill, it is clear, many many children are being left behind.

How can we give tax cuts to the wealthy and take away from our children the right to a good education?

This bill will dramatically affect many school districts around this nation, but it will especially hurt my community—San Bernardino County California.

This bill cuts $64 million in funding for programs that help non-English speaking students learn to speak the language.

This bill completely ignores the needs of children in our public schools today. Today, 4.5 million children with limited English skills speak more than 460 languages.

The number of children who need help learning English has more than doubled over the past decade.

These children live in every state and are enrolled in half of our Nation's school districts. But I know that with this cut many children in my district will be left behind.

Places like the Ontario-Montclaire school district, where more than half of the students have limited English.

They need this money. Their children deserve a better chance at life too.

And nearly 40 percent of the children in the Fontana school system and nearly seventy percent of the students in the Rialto school system have limited English skills.

These school systems need this funding. How do we expect teachers to teach, when they do not even speak the same language as the students.

Students who can't read or write English have a greater likelihood of dropping out of school and have a greater chance of being in poverty for the rest of their lives.

Of the 530,000 Latino dropouts, one in three is an immigrant with limited English.

But this bill not only increases the likelihood that students will drop out, it practically guarantees it.

Under this bill $11 million is eliminated from the Drop Out Prevention Grants.

Every year, nearly 15 percent of young Latinos between the ages of 16 and 19 drop out of school. This is twice as high as the dropout rate for Anglo children.

Children who drop out of school are more likely to commit a crime or end up in prison. And they are 67 percent more likely to become involved in drugs or alcohol.

We need to find ways to motivate these students to stay in school, not discourage them by denying them English language skills and a proper education.

I oppose this bill in the name of all of the Latino children in my district that will be harmed by these education cuts.

We must find a way to get districts the money they need to help our children and Republicans must find a way to keep their promises.

Mr. STARK. Mr. Chairman, today, I rise in strong opposition to the Republican Labor-HHS appropriations bill.

Just 2 years ago when Congress passed the Leave No Child Behind Act, we made a commitment to improve education for every American child. We promised that there would be a qualified teacher in every classroom within 4 years. We pledged to provide every school district with the resources to meet new achievement and accountability standards for raising academic performance. We committed to making sure after school programs were available to provide a safe environment for children to pursue extracurricular activities that help them learn.

My how times change. Today, the President and Republicans have turned the promises of Leave No Child Behind into a hoax. They refuse to fully fund the initiatives that are vital to its success. They've passed the buck to the States, which simply don't have the resources to fund these programs but still must meet rigorous achievement standards. In this short-sighted and callous effort, Republicans have doomed Leave No Child Behind to fail. This is a slap in the face to school kids everywhere and to their parents who simply want their children to have good schools and qualified teachers from which to learn.

You don't have to take my word for it, just look at the numbers. Republicans provide $334 million less than was promised for teacher training and recruitment. This means 54,000 teachers won't receive needed training next year and another 7,000 teachers won't be hired to provide specialized instruction in reading and math to 170,000 at-risk children. For Calfornia, Republicans make sure our public schools will lose nearly $1 billion in grants to meet new student achievement standards and $50 million less for grants to ensure teacher quality.

In addition, highly successful after school programs are being underfunded by nearly $1 billion. California will lose out on $100 million in funding for these activities. Grants provided under IDEA are $1.2 billion less than promised. So California's school districts will lose out on nearly $130 million for educating children with disabilities.

Now, if you thought failing our children and their future was bad enough, consider how this bill shortchanges America's workers and their families. Even in the midst of this tough economy and growing unemployment, the Republicans can't seem to bring themselves to increase funding for job training. Federal job training programs are simply funded at last year's level. And for those Americans who are lucky enough to have jobs, the Republicans want to take away your right to earn overtime pay.

We had the opportunity today to stop the Labor Department's proposed regulations expanding the number of employees who are exempt from receiving overtime pay when they work more than 40 hours in a week. Republicans defeated our Democratic amendment to make sure no funding was provided to enact these flawed regulations. In doing so, 8 million American workers could lose their right to overtime pay, which translates into a huge pay cut for working families who depend on overtime pay to maintain their standard of living. This change would also encourage employers to work employees longer hours, leaving them with less time to spend with their families. There is no question that working families deserve better.

Lower income families, women and their children also deserve better when it comes to health care. Yet, this bill also threatens their ability to receive the medical services they rely on.

Like so many programs, Title X, the nation's cornerstone health services and family-planning program, won't receive additional funding next year if this bill passes. This is despite the fact that more than 4.8 million low-income families and their children receive basic health care through its 4,500 clinics nationwide.

Title X clinics provide needed health services: screening for breast and cervical cancer, sexually transmitted diseases, breast and pelvic exams, in addition to prenatal, postpartum and well-baby care. They also provide educational services, counseling and information concerning both abstinence and contraceptive methods. By providing these family-planning services, Title X contributes to the reduction in unintended pregnancies and makes abortion less necessary.

In the 13th District alone, these family health clinics were able to serve over 63,000 patients in 2002—but they could be doing more and they should have the resources to do it. Unfortunately, anti-choice lawmakers are holding funding for these clinics hostage despite the success of these services in preventing unintended pregnancies.

Ideology, not science, has led Republicans to divert funding to ineffective ''abstinence-until-marriage'' programs. Congress now devotes $117 million to these entirely unproven methods while flat lining funding for title X programs. But, unlike Title X, abstinence-only programs provide no actual clinical health services.

I urge my colleagues to take a stand for the future of our children, working families and women in voting down this bill. We shouldn't throw away America's future by neglecting the education of our children, the economic security of working families, or the health care they need and rely on. I urge my colleagues to vote no on H.R. 2660.

Mrs. CHRISTENSEN. Mr. Chairman, this body should be ashamed of itself.

The healthcare and education of the citizens and residents of this country are in a stranglehold because of a greedy oversized tax cut, and we couldn't even vote to consider reducing it by just a small amount—to allow us to provide as better education for this country's children so this country itself can be better and stronger, and help to reduce the premature, preventable deaths that occur everyday in our communities of color and poor and rural areas.

Mr. Chairman, it is a travesty that this body is moving ahead today with H.R. 2660 the 2004 Labor HHS appropriations bill as passed by the Republican members of the committee.

Democrats did not support it for good reason, and we must oppose it now.

There are many reasons why this bill is a terrible insult to the people of this country, but let me just focus on health care for my brief time:

Even for its centerpiece—community Health centers—it provides the smallest increase since 1998.

There is no increase at all for the Maternal and Child health block grant or for childhood immunization, further turning our back on our children.

The bill provides no increase for the National Health service corps; it cuts programs that help students from minority and disadvantaged backgrounds prepare for and succeed in health professions schools, and freezes funding for health professions training, at a time when we are unprepared to meet not only our everyday health needs, but to protect our country from bioterrorism attacks.

I could go on and on, but let me just end with funding for HIV and AIDS. Not only is the minority HIV/AIDS initiative flat funded when the proportion of people of color being infected is increasing, but the program which provides treatment to persons with AIDS, ADAP, is grossly under-funded, increasing the waiting list for persons with AIDS for treatment, putting their lives and those of others at increased risk.

When did we become such an uncaring country, which would leave children unprepared for life, and others to lose theirs when we could do something about it?

This appropriations bill is not worthy of this country and this body. I urge my colleagues to vote for the Obey substitute and against the base bill.

Mr. OWENS. Mr. Chairman, the Republican funding for vital Education, Health, and Labor programs is dismal. While this country's richest one percent enjoys an average tax cut of $85,000,000 the country's poorest will see dramatic cuts in programs designed to close the gap between the rich and the poor. If we are to provide for ''No Child Left Behind'' it is imperative we fully fund programs for children with disabilities. The Republicans decided not to honor their commitment for putting this program and other NCLB programs on a path to full funding by 2009.

Under this bill New York will suffer education cuts of approximately one billion dollars less than the levels authorized by the ''No Child Left Behind'' and the ''IDEA Reauthorization'' Acts. It leaves behind military dependents living near New York bases. It does nothing to help low-income college students pay for the 24-percent increase in tuition while freezing funding for teacher quality grants.

The Bush administration along with the Republican led Congress has passed tax cuts for the wealthy and left our Nation's children behind. The IDEA reauthorization which provides funding for children with disabilities was promised an increase of $2.2 billion. This appropriations bill comes up 55 percent short. A promise to fund teacher quality grants falls $350 million short, leaving 54,000 fewer teachers who would have received training and development. We passed stronger accountability standards for schools, yet this bill falls $334 million short in Title I funds. The NCLB pledged $6.15 billion more for FY04, but this

bill will leave nearly 2.2 million disadvantaged children behind. We wanted to see students achieve in reading and math. We wanted higher standards, but where is the common sense in underfunding these programs? In order to provide children with adequate facilities, equipment and specially trained teachers more money must be appropriated.

After-school programs play an essential role in the education of disadvantaged children, but this bill falls $750 million short of the NCLB promise. As a result, more than one million children will be denied the opportunity to participate in after-school programs.

Higher Education assistance through the Pell grant program is frozen under the Republican bill. Every one knows the way to close the gap between the wealthy and the working poor is through affordable education. Historically, the Pell grant program allowed students to achieve their goals without accumulating large debts, but this bill freezes the maximum Pell grant. When the Pell Grant program was initiated it financed 84 percent of a public university education. This bill would only finance 38 percent of the tuition cost.

This bill stifles the National Institutes of Health by providing only a 0.2 percent increase for programs other than bio-defense, leaving cancer and other disease research underfunded. With rising medical costs, childhood immunizations, Community Health Centers, Maternal and Child Health Block Grants will receive little or no increase. No new funding is included for nurse education and training to help with the increasing nursing shortage. While the Nation's richest are having elective surgeries in spa-like, fully staffed hospitals, the rest of our Nation is woefully underserved.

Services such as those provided by the Community Services Block Grant are to be reduced by $150 million, leaving our low income wage earners and the unemployed with little opportunity to upgrade their skills, hampering their ability to rise above the poverty level. In addition, it shuts down emergency food distribution efforts for the homeless and other low-income families. This bill further punishes by cutting funding for ''Low Income Heating Assistance'' at a time when heating bills could rise by double digits this winter for about half of all Americans.

The Labor Department, not to be outdone by the Republican Congress, is intending to take more money away from 8 million workers including some 500,000 fire fighters, police officers and nurses. New overtime regulations proposed by the Department of Labor will make it much easier for employers to stop paying overtime compensation, demand longer hours and cut their employment rolls and thereby increasing unemployment. This decision at a time when the overall unemployment rate rose to 6.4 percent while the rate for African Americans rose to 11.8 percent. This rate reflects 9.4 million people who were unemployed in June, a fifth of whom were unemployed for more than 6 months.

The Obey/Miller amendment which I fully support would block these ill advised new Labor Department regulations.

Working Families deserve much more. This legislation will leave its imprint on millions of families. It will not help with our continuing poverty problem, leaving our country to look more and more like a developing nation. A country which gives CEOs of Pharmaceutical companies salaries exceeding $26 million dollars cannot with good conscience cut key domestic programs. The FY2004 Labor-HHS-Education appropriations bill leaves children and families behind.

Mr. CUMMINGS. Mr. Chairman, I rise today to speak against the Labor, Health and Human Services and Education Appropriations bill, H.R. 2660.

Mr. Chairman, if this bill is enacted, the consequences to most Americans will be horrendous. This bill is proof positive of the Republican gameplan of promises made in domestic authorizing bills becoming promises broken when it comes time to fund them during the appropriations process. This bill fails all of the American people. That is because in this bill, significant domestic programs—K–12 and higher education, Title I, IDEA, after-school programs, Pell Grant Assistance grants, College Work Study Assistance, Perking and SEOG grants, health care, and healthcare research at the National Institutes of Health (NIH), maternal and child health programs, job training programs, and summer youth programs at the Department of Labor, as well as the LIHEAP program and the Child Care Development Block grants to name a few—are under-funded or level-funded. There is no fixing this bill, it is necessary that we scrap this bill and start over.

Many Americans are going to wonder why if this bill is so bad that the Democrats are not going to offer a slew of amendments to make it better. Fellow countrymen, I say to you, this bill is atrocious and beyond repair. But in an effort to make it better, we are offering a comprehensive substitute under the skilled auspices of Mr. OBEY that would add an additional $5.5 billion in funding to this bill offset by the recent Bush tax cut.

This bill only offers a total $3.3 billion increase over last year's funding—which represents a mere 4 percent increase in education, the lowest increase in the past 10 years. It only provides a 1.6 percent increase for the No Child Left Behind Act—that's only $382 million more for the bill that holds States to the highest education accountability standards in history. Will these spartan funds carry through on the promises of increased achievement for our children in reading and math?

It underfunds IDEA, the program that helps the 7 million children and youth with disabilities by $1.2 billion under the President's budget. It underfunds Title I by $6.1 billion below what's authorized in the No Child Left Behind Act—as we know Title I helps 9 million disadvantaged children nationwide. It allocates only $1.0 billion for afterschool programs for our children, when No Child Left Behind calls for almost twice this amount.

This bill provides only a 2.5 percent increase to the National Institutes of Health, when we need at least a 3.2 percent increase to keep up with inflation. Needless to say, important programs related to ending health disparities, maternal and child health, immunizations, and community heath centers will suffer. There are also additional cuts to programs in rural health, important components of the Ryan White AIDS Care program, and nursing education and training programs in the face of a worsening nursing shortage.

EDUCATION

Let me continue to recount what is so bad about this bill—quickly since debate is always limited on important spending bills under the current House leadership. As we all know, this bill is supposed to fund K–12 and higher education. However, not only does this bill underfund authorized levels in the No Child Left Behind Act and those anticipated in the Higher Education bill, but it underfunds the President's already under-funded budget. Most importantly, this bill cuts the Fund for the Improvement of Education by 63 percent, Troops to Teachers by 31 percent, Innovation State Grants by 12 percent, Teacher Training in Technology by 100 percent, Community Technology Centers by 100 percent, Occupational Employment Information Center by 100 percent, freezes Pell grants, along with similar freezes in Perkins, SEOG grants, and the Work Study Program.

JOB TRAINING

This bill also fails to provide any substantial funding increases for vocational and adult education programs. These programs are vital to the nearly two-thirds of Americans that do not obtain a 4-year college degree and to the 25 percent that go to work directly after high school.

HEALTH CARE

Again, this bill only calls for an overall increase for NIH of 2.5 percent, when we should be increasing funding by at least 3.2 percent just to keep up with inflation. Although doubling funding for NIH over 5 years was completed successfully, this bill reflects the smallest percentage increase in more than 15 years. Needless to say, all of the gains we anticipated in the areas of healthcare research, biomedical research, AIDS research, advances at the CDC, bioterrorism advances and ending healthcare disparities stand to be squandered with this sparse funding. It bears repeating that the community health programs, maternal and child health programs, Child Care Development Block grants and the LIHEAP program that are either cut or flat-funded will suffer under this bill, as will the people who rely on these services. Lastly, we must also mention the $170 million of underfunding in this bill to help end the backlog of administrative cases at our Social Security Administration.

It is very disheartening to see the largest and one of the most important non-defense domestic funding bills on the floor of this House, the contents of which completely ignores the cries of the people who most need our help.

Mr. Chairman, I ask what message are we sending to our children? I think it is that you are not as important as tax cuts to the wealthiest 1 percent of Americans and your future is not bright if you will need a little help. And let's remember that with unemployment over 6 percent and college tuitions sky-rocketing, many more of our young people are going to need help getting a quality public education.

I ask what message are we sending to American families and the 41 million who lack healthcare coverage. Is it that your health is not as important as lacing the pockets of the top 200,000 families with $88,000 extra dollars in tax cuts?

DEMOCRATIC SUBSTITUTE

With all of the negative implications that come out of this bill on the floor, needless to say, I would like to lend my support to the thoughtful Democratic substitute crafted by Mr. OBEY. This bill would restore funding for our nation's important domestic programs by increasing overall funding by at least $5.5 billion

over the Republican bill. It would cost us nothing since it will accomplish this critical increase by scaling back the President's tax cut for the richest 1 percent of taxpayers from $88,000 dollars to $60,000. $28,000! I think this is a small sacrifice to make. I think the American people will agree.

The question is clear—are we going to give this $5.5 billion dollars to those who need it least or to those who need it the most—to help educate our children and to provide health care and job training assistance to their families during these difficult economic times? This bill makes the wrong choice. Support the Obey substitute.

I urge my colleagues to vote against final passage of this bill.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word in opposition to H.R. 2657, the Labor, Health and Human Service, and Education Appropriations bill.

This bill is the single most important appropriations bill we will consider. It provides funding for critical programs such as Head Start, the National Institutes of Health, Low-Income Energy Assistance, Pell Grants, the Community Access Program, the Centers for Disease Control, and countless other programs that directly serve most Americans.

This is the bill that, more clearly than any other bill, shows the glaring differences between the parties, because this bill woefully underfunds almost every one of the programs I just mentioned.

For example, many of my colleagues have mentioned that the bill breaks the Majority's promise made in the FY 2004 Budget Resolution to provide a $3 billion increase from the previous year for the Department of Education.

This means less money for programs like Title I, on which my schools rely to help educate low-income and disadvantaged children.

This bill falls $334 million short of the majority's promise to provide $1.0 billion more for the poor and minority children who aren't getting the education they need and deserve.

Further, the bill eliminates other No Child Left Behind programs like Drop-Out Prevention Grants, freezes State Assessment Grants, and shortchanges Safe Schools Initiatives, only a few of the programs that the current legislation affects.

In fact, annual increases in the Federal investment in discretionary education programs have actually spiraled downward since the act was signed into law—from 18.2 percent in FY 2002 to 6.4 percent in FY 2003 to a meager 4.3 percent in FY 2004 under this bill—the smallest dollar increase in 4 years and the smallest percentage increase in 8 years.

Public health programs also suffer in the proposed appropriations bill.

The bill provides an overall increase for NIH of just 2.5 percent—the smallest percentage increase in more than 15 years and a sharp deceleration from the 15 percent annual increases that NIH has received during the past 5 years under the bipartisan program to double the biomedical research budget.

The bill's 2.5 percent increase would fall short of what is needed merely to keep up with inflation in research costs, which NIH estimates at 3.3 percent.

And as I mentioned during debate on my colleague from Wisconsin's amendment, this legislation does not do nearly enough to provide funding for the Low-Income Home Energy Assistance Program (LIHEAP).

LIHEAP is critical to my constituents in Houston, helping them to pay their cooling bills. It is 91 degrees in Houston today, with 88 percent humidity. This summer, temperatures can be expected to average in the high 90s. Senior citizens rely on LIHEAP to help protect them from these extreme conditions.

Yet this legislation underfunds it by $200 million. This is a serious problem, and don't just take my word for it.

Even the President of the United States, in his Statement of Administrative Policy, expresses his disappointment at the funding level, saying that this funding level ''could limit the ability to address the heating and cooling needs of low-income families.''

There are so many problems with this legislation that there is simply no way to improve it. There is no money to shuffle from one account to another in this bill, because all of these programs are critical.

We simply don't provide enough funding for them, and that's because we have squandered our resources on a tax cut. This bill makes that priorities of the leadership clear—tax cuts for the wealthy, and program cuts for everyone else.

I urge my colleagues to vote against this bill, and I yield back the balance of my time.

Mr. POMEROY. Mr. Chairman, I rise today in opposition to this Labor, Health and Human Services, and Education Appropriations bill. While I applaud many of the funding provisions in this legislation, I also believe that this bill makes unacceptable spending cuts to education, health care, worker training and other critical initiatives at a time when we should be investing more in our nation's future, not less.

There is absolutely no higher priority for our families than providing a quality education for our children. While I support the intentions of last year's education reform promise to leave no child behind, I am also convinced that the success of this new law will be determined in part by the investment made in this historic reform effort. I am deeply disappointed that this funding plan falls more than $6 billion short of the resources promised for low-income and disadvantaged school districts, translating to a $19 million shortfall in North Dakota alone.

This bill also breaks a promise made earlier this year to put us on a path to fully funding the Federal Government's share of the cost of educating a special needs student. Further, it shortchanges educational funding for military and Indian children in federally impacted districts, under funds after-school learning programs, freezes funding for teacher quality grants, and eliminates vocational and career guidance funding in my State.

Not only does this bill fall short on critical funding for education, but it also includes inadequate funding for rural health care programs, including outreach grants and research, and slashes funding for the State Offices of Rural Health by more than 50 percent of last year's level.

Certainly, this bill includes provisions that I support. I was pleased that the Rural Education Achievement Program received a $2 million increase to help rural districts manage the No Child Left Behind Act's new accountability requirements. I was also pleased that this bill contains important funding increases for disease research at the National Institutes of Health (NIH) and the Centers for Disease Control (CDC), as well as critical increases in funding assistance to states for Medicaid funding.

I remain hopeful that we can work on a bipartisan basis to develop a fiscally responsible funding plan that provides adequate resources to strengthen our schools, address our public health needs, and support our nation's workers.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to the underlying bill and to the shortchanging of the nation's students, teachers, and schools.

We often hear about the need to leave no child behind. Yet, this budget leaves millions of children behind by underfunding vital education programs.

This bill falls short of providing funds to improve teacher quality, student achievement, and special education programs. The costs of higher education continue to increase, but this bill freezes the maximum Pell Grant award. We should do more to help students who face the daunting task of paying for a college education.

During these uncertain economic times, many families must rely on the incomes of two parents or on a single parent working more than one job. This bill does not provide enough funding for after-school programs which provides children with valuable learning opportunities and also helps children constructively use their time at the end of the school day.

While this bill will provide some funding to critical education programs, the bill does not do enough. It's time that we fulfill the promise to ''leave no child behind.'' This nation's families and schoolchildren deserve more.

On a separate issue, I oppose this bill because it undermines the nation's progress on scientific and medical research at the National Institutes of Health.

With a bipartisan effort in Congress and the leadership of the past two administrations, we have succeeded in doubling the budget for the National Institutes of Health over the last 5 years, increasing it from $13.6 billion in 1998 to $27.2 billion in fiscal year 2003. The hope, and in many instances the reality, is that these strong investments in biomedical research will encourage scientific advances that will ultimately translate into better health care for the American people, including better treatment and cures of devastating diseases like Parkinson's.

I am proud of this past national investment. However, I am very troubled that today's appropriations bill does not fully support the work and research of the National Institutes of Health. We should maintain a robust level of funding for NIH. We must continue a strong commitment to biomedical research funding so that medical advances can continue. Yet, this bill includes only a 2.5 percent increase—the smallest percentage increase in more than 15 years. The doubling effort was inspired, we should not reverse course and starve the research that we helped to spur.

Mr. REYES. Mr. Chairman, today I sought to offer an amendment that would have increased funding for dislocated worker employment and training programs under H.R. 2660, the FY 2004 Labor, Health and Human Services, and Education Appropriations bill by $88 million, from $1.46 billion to $1.549 billion, restoring funding for these essential services to their FY 2002 level. The bill before us today would freeze funding at last year's level.

In my congressional district of El Paso, TX, 20,000 workers have lost their jobs as a result

of the North American Free Trade Agreement—more than any other community in the United States. These job losses have left dislocated workers struggling to learn new skills that will allow them to find jobs that pay a living wage, and they have left El Paso with an unemployment rate that has soared into the double digits at times.

My district is not alone in facing these challenges. In communities across the country, workers have lost good jobs as a result of NAFTA. These workers desperately need Federal assistance to prepare them to successfully rejoin the workforce and provide for their families.

At a time when the national unemployment rate is at a 9-year high, this bill fails to provide additional, desperately needed funding to ensure that all dislocated workers get the services to which they are entitled. Unfortunately, these programs are just a couple of the many critical health, education, and worker programs that are woefully underfunded in the bill. And yet, this Congress recently saw fit to give millionaires a tax cut of at least $88,000 each.

Mr. Chairman, America's workers are the engines that drive our economy. We need to make sure that they have all the tools they need to help get it moving again, both for their sake and for the nation as a whole. Restoring funding for Federal dislocated worker programs would be a good start toward that goal, and toward putting our spending priorities back in proper order.

Mrs. DAVIS of California. Mr. Chairman, I must oppose the appropriations bill before us today because it shortchanges the children of America. This legislature has promised to fund its broad mandate called No Child Left Behind, NCLB. Compared to the authorizations promised when that vote was solicited, Every Child Is Left Behind.

Let me be specific for the children I represent.

Title I is the foundation of NCLB. Of course, the total dollars have been increased by $1 billion. However, the administration deleted $1.5 billion worth of over 40 specific, successful programs whose continued existence had been promised to gather support for the bill. It was then suggested that those programs could be paid for under the smaller increase in Title I, which was designed to cover additional programs the federal government has mandated for those students. However, even that increase does not match the promise. Others have noted that the appropriation for Title I is more than $6 billion less than the FY 2004 authorization. For California, that is $872,616,000 less than promised for the neediest, low-income children.

Similarly, when this House passed its reauthorization of the Individuals with Disabilities Education Act, IDEA, the FY 2004 authorization was to be a $2.2 billion increase. Yet, only six weeks later, you are offering an increase of only $1 billion! Why would you cut your commitment by 60% in six weeks? This amounts to a $129,826,000 reduction in federal support to California districts to pay this federal mandate. We continue to break the promise made in 1975 to fund 40% of the excess costs these special needs students require in order to be able to learn.

I represent a district with one of the largest aggregations of military bases and personnel in the country. The Impact Aid program helps provide for the school costs of military children whose families do not pay state income taxes, local sales taxes for commissary purchases, and property taxes if they live in federally supported housing. We are proud to have these families in our communities, but federal support to offset this loss of taxes is critical. Yet, this bill cuts is authorization commitment by $62,421,873 for California children.

After-school programs are critical to the children in my district. I was able to author legislation in the California legislature to provide funding to launch these after school services, and San Diego County has a wonderful program coordinating organizations and services for children before and after school. However, we still reach a small proportion of eligible and needy children. Federally promised funds are critical. Although NCLB authorizes $1.75 billion for FY 2004, this bill only appropriates 57% of that amount. California children lose $102,831,000.

The list could go on and on—just with promises made in NCLB—such as to fund teacher quality grants in order to be sure that every classroom will have a highly qualified teacher. Failure to adequately fund the level of Pell Grants for college students compared with the percentage of cost at a public institution that these grants initially provided is also highly disappointing.

There are other critical shortfalls as well. I must mention, in particular, the failure to continue the improvement in funding for the National Institutes of Health. In San Diego, we are privileged to have several eminent research institutions—Scripps Institute, the Salk Institute, The Burnham Institute, and the University of California at San Diego, to name a few—working on critical issues such as bioterrorism, cancer, diabetes, Parkinson's disease, Alzheimer's disease and the health of minority populations.

I understand the significance this funding holds for NIH to continue its work and for the numerous patients and communities that benefit from the results of this research. The scientific inquiries that these grants underwrite are the critical crucible for the incredible discoveries that have enabled many people with chronic and serious illnesses to continue to lead productive lives because of the resulting discoveries in drugs, medical devices, and health care strategies. Children will lose to preventable disease by undercutting scientific research.

Though I am pleased to see an increase in funding for our nation's mentoring programs, I am disappointed to see that this amount still comprises only half of the Bush Administration's request. The President took an important and long-overdue step towards recognizing the significance of mentoring in the lives of our children by proposing a robust increase in these programs. The mentoring relationship provides children and young adults with a stronger sense of self and instills them with new optimism for the future. All young people can benefit from the support of a mentor, and we should be doing all that we can to encourage the expansion of these critical programs.

We have heard repeatedly how many more dollars in specific programs under No Child Left Behind are appropriated in this bill. What those speakers don't say is how many dollars other programs authorized by the bill have lost. What else those speakers don't acknowledge is how much was promised as recently as week ago for the children of America. Smoke and mirrors don't belong in this debate.

The children of California are being shortchanged by over $1 trillion just in these programs. Under this bill, Every California Child Is Being Left Behind.

Mr. VAN HOLLEN. Mr. Chairman, I rise today in reluctant opposition to this Labor-HHS Appropriations bill—for the investments it refuses to make and the promises it fails to keep for the American people.

I am profoundly concerned about the growing gap between what we say and what we do in this Congress.

We say we want a healthy America. But this Appropriations bill shatters a five-year bipartisan commitment to the NIH by funding the world's premiere scientific and medical research organization with a paltry 2.5% increase—the smallest in fifteen years. And the majority's solution to our nation's critical nursing shortage? A funding freeze for the Nurse Reinvestment Act. No new money at all.

For the growing ranks of our unemployed, a $150 million cut in the Community Services Block Grant program. That's less help for those left behind by the Bush economy—just when they need it the most.

Perhaps nowhere is the credibility gap between the Republican leadership's rhetoric and its honest-to-goodness priorities more glaring than in the area of education. Not three years ago, President Bush—the self-proclaimed ''education president''—signed the No Child Left Behind Act into law. In exchange for higher expectations and new, tough accountability measures to meet them, the President and the Congress promised students, states and school districts the requisite funds to get the job done. The bill we are asked to support today falls $8 billion short of that promise. It is an unconscionable abdication of our national responsibility.

When the Education and Workforce Committee—on which I sit—took up the IDEA bill this Spring, the committee's leadership repeatedly refused to make IDEA funding mandatory—arguing that the Republican party could be trusted to provide what was necessary for the proper education of children with disabilities. In a grandiose show of GOP commitment, the Chairman even went to the Budget Committee and announced he had secured an additional $4.6 Billion in authorized funding over the next two years for IDEA. Now we see the true colors: Less than 50% of the $2.2 billion authorized. And astonishingly, even less than the $1.4 billion authorized in the original bill. So much bluff and bluster.

Mr. Chairman, Appropriations bill are about so much more than dollars and cents. They reflect who we are as a people. Our values. Our priorities. And the course we wish to chart for the future. I believe this bill charts precisely the wrong course, and I urge my colleagues to defeat it.

Mr. STRICKLAND. Mr. Chairman, I will be voting against H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004, because, among many other deficiencies, the bill underfunds our nation's elementary and secondary schools and increases funding for the National Institutes of Health at a rate that does not keep up with that of medical research inflation. But I rise in support of language in the accompanying report regarding the Pension Benefit

Guaranty Corporation. Over the course of the past year, the PBGC has grown increasingly aggressive in terminating early the pension plans of private companies before the companies have asked PBGC to take control of their plans. PBGC has terminated the pension plans of many companies, specifically of those in the steel industry, during the last year to avoid paying benefits negotiated between a company and its workers prior to a plant's shutdown. I applaud the Appropriations Committee's attention to this matter and hope that the PBGC will discontinue this unfair practice and move to redress pensioners who have suffered from this past year's adjustment in policy.

Mr. LEVIN. Mr. Chairman, the completely inadequate appropriations bill before the House speaks volumes about the Majority Party's priorities. Over the last three years, they've locked in tax cuts that disproportionately benefit the very richest families in America—those with incomes of over $1 million a year. As a result of this reckless tax policy, the federal deficit has ballooned to over $400 billion this year and these budget shortfalls are projected to continue as far as the eye can see.

Another result of this tax policy is that we don't have the resources needed to fulfill the promises this Congress has made to the American people. The Republican budget passed earlier this year, which enabled the latest round of tax cuts, promised a $3 billion overall increase for education. The bill before us breaks that promise.

Funding for special education in this bill is $1.2 billion short of what was promised in the budget resolution. Funding for Pell Grants to help families afford the rising cost of a college education falls $410 million short, and the maximum Pell Grant award is frozen. Title I funding promised in the budget to help school districts meet the new accountability requirements of the No Child Left Behind Act falls $334 million short of what was promised. Funding for improving teacher quality and after-school programs is likewise significantly less than what was promised in No Child Left Behind.

The bill before the House also shortchanges medical research, low-income energy assistance, and healthy care for unemployed workers. The Majority likes to pretend that it can pass more than $2 trillion in tax cuts without any consequences. This is simply not true. The tax cuts—again, the lion's share of which disproportionately benefit the very wealthy—are being paid for by breaking promises made to adequately fund education, medical research, health care and energy assistance.

This bill is not worthy of anyone's support. I urge the House to defeat it.

Mr. BLUMENAUER. Mr. Chairman, the Labor, Health, Human Services and Education appropriations bill is a logical consequence of misplaced priorities in the budget resolution and tax cut proposals that have been pushed through the House of Representatives this year. Despite the overwhelming support from people in my community and around the country for investing in the future, and for funding our commitments in the President's signature No Child Left Behind legislation, this bill would systematically undercut funding promises. This Congress has authorized funding levels that would help school districts implement costly new programs and provide Pell Grants to help low-income college students struggling in a difficult economy. The House finds itself allocating far less than it authorized just months ago for IDEA programs. The administration's fiscal management leaves us with shamefully low funding levels for these programs and soaring budget deficits.

While our school districts fight their own fight back home, this Labor/HHS bill cuts education funding for Oregon's children by a total of $98,039,089 below the levels authorized by the No Child Left Behind Act and the IDEA Reauthorization Act. This is illustrative of the impact that will be felt in every state, and we ought to avoid this added burden on the nation's school systems.

At a time when so much has been done for a few who need help the least with massive tax cuts, it is unconscionable that we are not meeting obligations under prior legislation or even the minimal levels established under the Republican Budget resolution.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to the Labor, Health and Human Services and Education Appropriations bill before us. This bill shortchanges critical education and health and human services programs, reverses the progress we have made in building up the National Institutes of Health (NIH) in recent years and fails to fulfill promises this Congress made to disadvantaged children. There is a theme developing in the 108th Congress and it is one of unfulfilled promises and inaction—whether it's special education, college aid or biomedical research—the Republican leadership talks about access and accountability while failing to provide for it.

In the last five years, Congress has worked in a bipartisan fashion to double NIH funding, something we were all able to go home and be proud of. This doubling of funding signified an unprecedented federal commitment to research and resulted in the beginning of some remarkable projects—many of which have the potential to end great human suffering caused by disease and epidemics such as diabetes, heart disease and AIDS. Federal researchers are even poised to make significant discoveries about what causes cancer. I am sorely disappointed to see that this year's proposed budget for NIH contains the smallest increase in 15 years—one that is less than the rate of inflation and cannot sustain the projects we worked together to begin in recent years and at the same time, provide for critical new initiatives. The proposed amount would provide just 21 new grants for all of NIH outside of bio-defense research. American citizens should not have to choose between life-saving research and bio-terrorism preparedness. Both should be priorities and both should be adequately funded.

The proposed budget for education also fails to recognize the rise in tuition costs, as it freezes the maximum Pell Grant—the primary federal grant for college and university studies for 5 million disadvantaged students—despite its declining buying power. As a result, these grants would finance only 38 percent of the cost of a public university. When Congress established the Pell Grant program, they covered 84 percent of the cost of study—clearly intended to play a significant role in increasing access to colleges and universities for lower- and middle-income individuals. The funding levels in H.R. 2660 would force students to take on increasingly large levels of debt to finance their college eduations—if they are able to pursue higher education at all.

Last year, we passed a landmark piece of legislation called the No Child Left Behind Act, which promised education reform to millions of American students. The time has come to fund that legislation—to fulfill the promise—and the money is not there. H.R. 2660 falls $334 million short of the $1 billion in Title I funds promised in the budget resolution to help school districts meet the challenge of new accountability requirements in No Child Left Behind. Just yesterday, we passed the Ready to Teach Act, which promised millions of dollars in teacher quality and preparation programs. Yet, the appropriations bill falls $350 million short of our earlier promise to fund teacher quality grants created in the No Child Left Behind Act. The result is that 54,000 fewer teachers will receive high quality, federally-supported professional development.

Earlier this year, Congress made it a priority to pass a $350 billion tax cut that overwhelmingly favored the wealthy—on top of the trillion dollar tax cut this same population benefited from in 2001. The Labor, Health and Human Services and Education appropriations bill—more than any other funding bill—sends a clear message to the children, the families and the working people of this country about our priorities. As Democrats, as Republicans, as Members of Congress—collectively, we know that education and health care are of the highest priority to the American people and that they want us to do more. Yet, the fact remains that the bill the Republican leadership presents us with does not reflect those priorities or provide the funding that they deserve. I urge all of my colleagues to vote against H.R. 2660.

Mr. CONYERS. Mr. Chairman, the bi-partisan passage of the Ready to Teach Act, with crucial Democratic amendments, and the teacher Recruitment and Retention Act of 2003 is a step in the right direction towards improving the standards of public education across this country. My Democratic colleagues and I understand that we must go beyond the empty promises and rhetoric of our Republican counterparts and put Americas tax dollars where they are truly need.

Unfortunately, today the House will vote on a Labor/HHS/Education Appropriations bill that will severely underfund education. This bill fails to deliver on a whopping $8 million dollars that was promised, but not delivered by the President's ''Leave No Child Behind Act.''

Mr. Chairman, unfortunately I am not surprised that my fellow Democrats and I are forced to stand here today to advocate for monies that are desperately needed to provide adequate education to our Nation's children. To make this lack of funding even more egregious, the Republicans promised America's children and parents last year, that no child would be left behind. I believe it is important that Americans know today that this Republican sponsored bill will:

Cut Title I grants by $16.15 billion dollars as compared to the funding levels called for by No Child Left Behind (NCLB). The children of Michigan will lose Title I grants totaling $202,981,000 dollars below the amount called for by NCLB.

Reduce IDEA grants, which are used by school districts to educate children with disabilities by $1.2 billion dollars as compared to that which was promised in the Republican IDEA Reauthorization Act. Michigan children with disabilities will lose $44,264,000 dollars in promised IDEA grants.

Shortchange children in need of constructive after-school activities by cutting funding for After-School Programs to $750 million dollars below the level promised in NCLB. As a result, Michigan children will be shorted $23,384,000 dollars in After-School Program funding.

Freeze funding for Teacher Quality Grants at $2.9 billion dollars. That is $350 million dollars less than the $3.3 billion promised in No Child Left Behind. Unfortunately, this translates into a loss of $10,172,000 dollars in promised Teacher Quality Grants for Michigan.

Leaves Military dependents behind by cutting $583 million dollars in Impact Aid program funds—well below the previously authorized funding level. Michigan military families will lose $5,054,632 dollars in Impact Aid.

Overall, abandons the promise Republicans set forth in their FY 2004 Budget Resolution wherein they committed to provide a $3 billion dollars increase over FY 2003 for the Department of Education. Instead, this bill provides only a $2.3 billion or 4.3 percent for this year. That is the lowest dollar increase in four years and the smallest percentage increase in eight years. The children of Michigan will lost a total of $311,052,632 dollars in education funds authorized in both the No Child Left Behind legislation and the IDEA Reauthorization Act.

Our commitment to educating our children is being undermined today. I appeal to my colleagues to honor our commitment to America's greatest treasury—our children. Let's pass an appropriations bill today that will fully and adequately support the education of America's children.

Mr. MATHESON. Mr. Chairman, I rise in opposition to this bill. Two years ago Congress and the President worked together on a historic piece of legislation: the No Child Left Behind Act. This bipartisan agreement exchanged tough accountability standards for significant financial resources to help local schools implement reforms. Everyone agreed that money alone would not improve schools. But, funding and reforms were to go hand in hand.

I had some concerns about provisions in No Child Left Behind and the burdens they would place on our local schools. But, I was reassured that with overwhelming, bipartisan support, Congress and the President would deliver the needed resources to make this effort a success.

Since the No Child Left Behind Act was signed into law in 2001, the federal commitment to provide the necessary resources has been broken. Congress has let our schools and our children down.

Our teachers are hard working, and our administrators know what they are doing. They continuously do much with very little. But, we are pushing our education system to the breaking point. Without adequate resources our local schools are struggling to meet tough new accountability standards. Despite provisions stating that states would not be required to spend their own resources on federal reforms, that is exactly what is occurring.

State budget shortfalls have already drained precious resources from our local schools. Constantly asking them to do even more with even less is the wrong pattern. it cannot reform or improve our schools. It will leave them unable to perform many of their core functions. It will eliminate quality, successful programs. And, it will drive teachers out of the education profession.

The federal pattern continues to be: promises made, promises unkept. Sadly enough, the promises being broken are those made to the next generation.

Providing a quality education for our children should be a top priority. However, as states are assembling their plans to assess and improve student performance, the federal government is eliminating the tools that would help them succeed. After-school programs that provide tutoring services have been cut. Resources to train and provide professional development for teachers are being reduced. The mandates should not continue if the requisite funding is not supplied.

The cornerstone of No Child Left Behind is Title I funding for schools serving large proportions of disadvantaged, low-income students. In order to raise the academic performance of these students, Congress promised incremental funding increases in Title I. For this fiscal year, $18.5 billion was promised. However, this appropriation bill would only provide $12.35 billion, continuing the pattern of breaking federal promises. In addition, Utah would receive nearly $4 million less than promised for after-school programs, $2 million less than promised for teacher quality programs, and over $8 million less than promised for Impact Aid that offsets the costs of education near military bases and Native American reservations.

These are not just numbers; they are tools: the resources that are critical to meeting new standards. Without the tools, our schools simply cannot work.

This legislation would also continue the pattern of failing to deliver on the promises made decades ago to provide 40 percent of the costs of special education. It would fund Utah at $11 million less than the amount promised by the House of Representatives this April when we reauthorized the Individuals with Disabilities Education Act.

Our nation and my state are facing tough economic times that require tough choices. But, it is shortsighted not to recognize the role of education in the prosperity of the next generation. It is an investment worth making. It is an investment we cannot afford to neglect. Keeping our commitments regarding education funding will be critical to training the teachers and educating the leaders of tomorrow. It is time for Congress and the President to work together in a bipartisan way to keep our promise.

Mr. DAVIS of Illinois. Mr. Chairman, there is not one Congressional District in our nation that will benefit from this Appropriations bill. I definitely know that my district will dramatically feel the effects of the cuts and the level funding for education, health care, and energy cost. Some of the best programs Congress has embraced and funded in the past suddenly seem to no longer be a priority.

Our young people who are in desperate situations will face dramatic cuts in the education provided to them. Low-income children attending Title I schools, children with disabilities, and young people trying to obtain a college education are facing the most critical budget cuts under education. Combined these students will lose over $1.6 billion—and this is not even including the $8 billion that is missing from Child Left Behind Act 2004 funding target. We are allowing an extra burden to be put on deficit stricken states, local school districts, communities, and working class families that are already trying to make ends meet in our sluggish economy.

The no increase in funding and cuts extend into our health care system. In my District, I have 25 hospitals, four of which are teaching hospitals. Like in many of the hospitals in other districts, the ones in my district are already feeling the effects from the fiscal crisis facing Illinois. This bill provides no increase for child immunizations, the Maternal and Child Health Block Grant and the National Health Service Corps, which provides student loan repayment for doctors and dentist who work in areas with shortages of health providers. We are all very aware of the nursing shortage facing our nation's health system and I was proud that last Congress we passed the Nurse Reinvestment Act to assist in the shortage. Yet not only is there no increase in funding for those programs, there is actually $7 million less than the President's request for the program that provides scholarships to nursing students who agree to work in areas with a serious shortage of nurses. Although there have been great advances and success stories in respect to fighting HIV–AIDS, there is a cut in the Ryan White AIDS Care programs. I am particularly disappointed that this bill cuts funding by 12 percent compared to 2003, in programs that help students from minority and disadvantaged backgrounds prepare for and do well in medical school and other health professionals schools.

Just two days ago, the Subcommittee on Education Reform had a hearing on the Community Service Block Grant (CSBG) and LIHEAP. I was very proud that one of the individuals' testifying was one of my constituents and also my dear friend, Dr. Mary Nelson from Bethel New Life, Inc. My colleagues that serve on the Subcommittee with me were all impressed by the great work that is being performed by Dr. Nelson and the other panelist. Yet we are cutting the funds that allow Bethel New Life, Inc. and the other organizations to expand community and economic development, provide energy assistance, housing, winterizations, nutrition and countless other exceptional programs that help families get out of and remain out of poverty. The CSBG will be cut by $151 million or 23 percent. LIHEAP is cut by 10 percent at a time when projections predict that natural gas prices will be at least 50 percent higher in the coming winter as more than half of LIHEAP recipients rely on natural gas.

Mr. Chairman, this bill just does not make any sense to me. Level funding programs may be considered sufficient but is considered a funding cut to me. We are hitting the programs that have already been cut and hit by the states. We are cutting funding for programs that are basic components to our society: education and healthcare. What does America stand for? What does out body stand for? This bill does not express the American values. This bill expresses that it is acceptable to cut the basic right of education, cut the ability to provide health care, encourage unequal opportunities, and keeping our citizens on the streets instead of having a warm place to sleep. Our body has worked together to pass some great pieces of legislation that will help our nations' schools, hospitals, and less fortunate—but those bills are just pieces of paper without the funding necessary to allow them to be effective.

Mr. HOLT. Mr. Chairman, on May 30th the Administration quietly issued a new regulation

that will put an additional financial squeeze on millions of college students and their families by cutting their deduction for state and local taxes in the student financial aid eligibility formula.

This new rule, which was finalized by the Department of Education without review or approval by the Congress, will effectively eliminate Pell Grant eligibility for some needy students and reduce Pell Grant awards and subsidized loans for other students.

The Pell Grant program is the cornerstone of federal student financial aid, providing assistance to nearly 4 million students. These grants are the foundation of their financial aid packages. Without them, it is likely that these students will not have enough money to go to school. And in our new highly-skilled work environment, a college education is more important than ever.

College is the best investment of a lifetime. We must take steps to ensure that higher education is within the reach of all Americans so that they are prepared to meet the challenges they will face in our increasingly competitive world.

This new rule, will force students to mortgage their futures by going further into debt to attend college.

For example, a family of four living in Pennsylvania, earning $63,000 a year, with one child attending college full time, would have to pay about $800 per year more toward college expenses.

A family of four living in New Jersey earning $45,000 a year with one child in college, attending full time, get an estimated $1,600 Pell Grant under the Bush regulation compared to a $1,700 Pell Grant under current regulations. For a middle class family, working hard to make ends meet in a poor economy, these are big differences.

This is happening just as attending college gets more expensive every month, with states and private institutions raising tuition and other costs.

The Labor, Health Human Services and Education appropriations bill before us does nothing to remedy this problem.

The new student aid state tax allowances created under this rule will reduce the state tax percentage deduction for nearly all students at a time when the state and local tax burden is going up, not down, for many families.

The Department's new state tax rates, however, are based on outdated data from 2000.

Since then, our economy has spiraled downward, and many states and local communities have had to increase taxes in order to offset budget shortfalls.

Nationwide, the Administration's regulation could result in the loss of hundreds of millions of federal assistance to students and families.

The Department of Education estimates that 84,000 students would lose Pell Grant eligibility altogether as a result of the regulation.

As the legislative process continues, I hope my colleagues will address this problem, which is making college less accessible to middle-class families.

Mr. SCHIFF. Mr. Chairman, when the House adopted and the President signed the most recent tax cuts, at a time when we are at war and in deficit, we knew the other shoe had to drop soon. And it has, Mr. Speaker, with a great thud, in the form of this year's Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2004 (H.R. 2660). The House Leadership has followed the passage of these irresponsible tax cuts with an appropriations bill which underfunds a host of important programs and initiatives while breaking many of the pledges the Leadership made when the House adopted the FY04 Budget Resolution.

We cannot extol the virtues of programs like Head Start and organizations like National Institutes of Health while adopting legislation which threatens their very existence. These actions abandon this Congress' responsibility to provide resources necessary to improve schools, protect public health, provide for America's seniors and disabled, expand opportunities to higher education, and seek cures for diseases that threaten the health of all Americans.

Mr. Speaker, we are starving our nation's most valuable programs. Last year alone, Head Start provided over 900,000 children with comprehensive early childhood education. But it is estimated that current funding levels leave behind over 40 percent of eligible children. This year I joined with Representative LORETTA SANCHEZ in spearheading a letter signed by ninety of our House Colleagues calling on the House Appropriations Committee to increase funding to the Head Start Program by $1 billion which would result in the enrollment of 87,000 additional children.

I remind you, Mr. Chairman, that Head Start is an extremely popular and effective program. In a 1999 study released by the President's Management Council indexing public support for and belief in government programs, Head Start rated a 94 percent, tops among all government programs. Moreover, studies have shown that the economic benefits of Head Start far exceed their costs, with one study showing that for every $1 spent by taxpayers, they received $7 in future benefits.

Yet, in the face of this data, with the passage of this legislation, we will close the door of the Head Start program to tens of thousands of deserving children and their families. This substandard funding increase means we will continue to leave nearly 40 percent of eligible children behind and severely undermine local Head Start organization' ability to provide training and technical assistance to teachers and parents.

But this bill will not only leave Head Start children behind. It will also shatter the promises Congress made to America's school children when it adopted the No Child Left Behind Act and the Individuals with Disabilities Education Act (IDEA). This legislation falls $8 billion short of fully funding No Child Left Behind and continues this Congress' deplorable record of underfunding IDEA.

Students seeking higher education fair no better under this bill. In 1975, when the Pell Grant program was instituted, it financed approximately 84 percent of the cost of attending a 4-year public college. Today, that number is down to 40 percent. Under this bill that number will drop to approximately 38 percent. In my own Southern California district, higher education costs have increased with California's growing budget deficit forcing public universities to substantially raise tuition costs. This same scenario is being played our across our nation and a continued shortage of grant assistance threatens the higher education aspirations of millions of young people.

By adopting this legislation we will effectively shift a greater burden of college costs to students and working families and will undoubtedly ensure that too many of our children either leave college with overwhelming debt or are shut out of higher education all together.

But state budget crises do not only affect education costs, they also endanger the health care safety net which millions of Americans have come to depend on for needed health care services. And yet, under this legislation, struggling community health centers, which provide primary care services to low-income Americans, find no relief.

In Los Angeles County alone, over 30 community clinics have been forced to shut their doors. Under this legislation these clinics and those that find themselves on the brink of closure will be provided no relief because any funding appropriated to community health centers will be used to expand health center sites where they have not existed in the past. At this bill's funding level, the lowest since 1998, we are forced to choose between scaling back our expansion initiative or underfunding existing centers. This is simply an untenable solution to a growing health care crisis that affects low-income Americans.

Finally, H.R. 2660 abandons this Congress' commitment to double the National Institutes of Health (NIH) budget thereby stifling improvements in science and medical research. This legislation increase NIH funding by 2.5 percent, an increase that according to NIH is not even enough to keep up with inflation in research costs. In comparison, over the last five years, Congress has adopted annual increase of 15 percent.

A funding increase which only allows NIH to introduce 21 additional research grants will not allow this agency to continue to provide our nation with the cutting edge research which we have come to expect.

Mr. Chairman, this legislation is inadequate. I urge my colleagues to oppose it and work to adopt legislation which adequately funds America's priorities.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in opposition to H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Overall, the Republican Labor/HHS/Education bill under-funds the landmark No Child Left Behind Act by $8 billion, and provides the smallest percentage increase in education funds in eight years. To improve education, we must improve teacher training. But while the Republicans promise $300 million in the ''Ready to Teach Act,'' they have yet to fulfill their earlier promise to fund the teacher quality grants created in the No Child Left Behind Act.

To improve education, we must raise student achievement in all core subjects and improve early education opportunities. While the Republicans promise $17,500 in college loan forgiveness for math, science and special education teachers in the ''Teacher Recruitment and Retention Act,'' they refuse to provide the same incentives to teachers in other core subject areas such as social studies and Head Start.

To improve education, we must demand results. But the Republican Labor/HHS/Education appropriations bill falls way short in special education funding promised under the IDEA (Individuals with Disabilities Education Act) reauthorization bill passed earlier this

year. While the IDEA reauthorization bill and the Republican budget resolution promised an increase of $2.2 billion, the Republican Labor/HHS/Education appropriations bill provides only $1 billion—a 55 percent shortfall.

To improve education, we must demand results. But the Republican Labor/HHS/Education appropriations bill falls $334 million short of the $1 billion in Title I funds promised in the GOP budget resolution to school districts to help meet the challenge of the new requirements in the No Child Left Behind Act.

To improve education, we must provide after school programs. But the Republican Labor/HHS appropriations bill falls $750 million short of the $1.75 billion for after school centers promised in the No Child Left Behind Act.

To improve education, we must expand early childhood education programs. But the Republican Head Start reauthorization bill would end the high quality federal standards and comprehensive services that have made Head Start the premiere early education program for American toddlers.

To improve education, we must have education performance standards for early childhood education. But the Republican Head Start reauthorization bill would actually weaken standards for early childhood education programs.

To improve education, we must involve parents. But the Republic Head Start reauthorization bill would allow states to end the parental involvement that makes the program so helpful to disadvantaged children.

Two months ago, the Majority passed a conference report for the FY 04 Budget Resolution that promised to provide a $3 billion increase over the previous year for the Department of Education. This bill falls far short of that commitment, and provides only a $2.3 billion (or 4.3%) increase—the smallest dollar increase for education in four years and the smallest percentage increase in 8 years.

Included in programs proposed for flat-level funding are Pell Grants, Supplemental Educational Opportunity Grants (SEOG), Federal Work Study, Perkins Loans, Leveraged Educational Assistance Program (LEAP, the state partnership program), and Graduate Education. Even though none of the programs were cut in this tight budget year, there is room for concern and disappointment.

Earlier promises to increase the Pell Grant maximum (currently $4,050) are just one example of where the bill falls short. Providing lower income students with access to college is critically important, especially in a year when Ohio and many other states are cutting appropriations for higher education.

Federal-sponsored loans, a repayable debt for students and parents, represent another 40% of the average financial aid package. Less than 8% of financial aid is provided by federal grants. Roughly an equal amount comes from State grant programs. Compared to the administration's request, the bill appropriates $271 million less for student financial aid.

For Pell Grants the bill appropriates $12.3 billion, which is $885 million (8%) more than the current level, but $465 million (4%) less than the administration's request. The bill maintains the maximum Pell Grant award at its current level of $4,050.

For Work Study this bill appropriates $1.0 billion, which is equal to the current level but $7 million less than the administration's request.

The Pell, SEOG, and Perkins Loan programs are especially critical for lower income families to make college accessible and affordable. Congress must do more to assure that they are not left behind. National polls indicate that 72% of Americans believe that student aid should be the highest priority of Congress. The current bill does not reflect this priority.

I received a letter today on behalf of the President of John Carroll University, Rev. Ed Glynn of the 11th Congressional District of Ohio that stated:

> I write to urge Congresswoman Tubbs Jones to vote against the Labor, HHS, Education Appropriations bill for FY 2004 when it reaches the House floor, possibly as early as this Thursday, July 10. . . . John Carroll University provides about 45% of the financial aid that goes to our students each year. This share is typical among private institutions. . . . Please vote ''no'' on the bill and thereby register your position that more funds be appropriated for student aid.

I rise today to reiterate my opposition to H.R. 2660, Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Mr. NUSSLE. Mr. Chairman, I rise today to speak on H.R. 2660, the Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2004. This is the second largest appropriations bill, funding many vital social programs.

I am pleased to report that the $138.036 billion in new budget authority and $134.765 in outlays for fiscal year 2004 in the committee-reported bill—as scored by the Congressional Budget Office—is within the 302(b) allocation adopted by the Appropriations Committee on June 17th.

Unfortunately, the spending level in the bill does breach the budgetary allocation ceiling for fiscal year 2003. It does so by shifting $2.2 billion that was advance appropriated for 2004 in last year's appropriations act back into 2003. This creates more room under the 2004 spending cap, but causes a breach of the 2003 cap. As a result, the legislation is in violation of section 302(f), which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution. The bill also violates section 311 of the Congressional Budget Act, which prohibits consideration of bills providing new budget authority that would cause the total level of budget authority and outlays established in a budget resolution to be exceeded. It is my hope that this violation of the budget resolution is the only one that occurs this year.

Since this bill has in the past been one of the more controversial spending measures, I am pleased that the House is moving this legislation sooner, rather than later, in the appropriations season. I hope that the level of appropriations for programs funded by the Labor-H bill will be determined—and finalized—before the Congress moves on to complete the smaller appropriations bills. I think it makes sense to determine the funding level for the many large and important programs this bill funds as early as possible, instead of relegating such discussions until the very end of the appropriations cycle.

On that score, I do have some concern that the specific levels of funding in this bill provided for certain high priority education programs may be artificially low, with funds being redirected to lower priority programs—many of which were recommended for reduction or termination by the President. Spending on IDEA, Title I and Pell Grants has increased rapidly in recent years, reflecting the strong support for these programs in the Congress. In this bill, funding for IDEA State Grants is $1.2 billion under the level authorized in the IDEA reauthorization bill passed by the House this year. The bill's $666 million increase for Title I is not insignificant, but it may be lower than the level sought by the majority of members. Finally, as pointed out in the Statement of Administration Policy, the funding level for Pell Grants appears to be less than the amount necessary to fund the maximum grant level established in this same piece of legislation. I am concerned that these problematic funding levels for key education programs in H.R. 2660 will ultimately result in a push to increase overall spending levels.

Despite these caveats, I believe the bill is a generous one. In fact, if the $138 billion funding level set in H.R. 2660 is enacted, the Labor-H bill will witness a 12.2-percent average annual growth rate between 2000 and 2004. This is much greater than the 7.7-percent growth rate in total discretionary spending during the same period. The budgets of two important agencies funded under the Labor-H bill—the Department of Education and the National Institutes of Health—have been doubled since the Republicans took over the Congress. I think that H.R. 2660 reflects the continued strong support by the Congress for these and other agencies funded by the Labor-H appropriations bill.

Mr. CARDIN. Mr. Chairman, this funding bill shortchanges an important program designed to prevent child abuse, reunify families, and promote the adoption of certain children in the foster care system. Under this legislation, the Promoting Safe and Stable Families program would receive only half its discretionary allocation. This inadequate funding level stands in stark contrast to President Bush's budget, which proposes full funding for the program. The bill also ignores a bipartisan plea from the Chairman and Ranking Member of the authorizing subcommittee to fully fund this important program.

The Promoting Safe and Stable Families Program (Title IV–B, Subpart 2 of the Social Security Act) provides grants to states for four kinds of child welfare services: family preservation, family support, time-limited family reunification, and adoption promotion and support. The program represents the most significant effort by the Federal government to support services that may prevent child abuse and neglect from occurring, and that help children move quickly from foster care to permanent homes. With over half a million children currently in foster care, and nearly one million cases of child abuse or neglect substantiated every year, funding for this program is vitally important.

If we really care about helping and protecting our most vulnerable children, then we should be willing to make at least a modest investment to achieve that goal. Congress has approved nearly $3 trillion in tax cuts for mainly wealthy Americans in less than three years. Surely, we can spend a tiny, nearly imperceptible fraction of that amount on preventing child abuse and on helping struggling families. As this debate moves forward, I hope we can

make progress on a goal President Bush laid out not only in his budget, but also in his 2000 campaign for the Presidency. Let's fully fund the Promoting Safe and Stable Families Program.

Mr. HINOJOSA. Mr. Chairman, we will never be able to close the achievement gap in education with the funding levels we see in this appropriations bill.

I applaud the efforts of the Chairmen and Ranking Members of the Committee and Subcommittee. They truly have done the best they could with the funds they were allotted.

Sadly, the majority and the administration have decided to allocate our federal resources elsewhere. They have chosen to squander the national surplus on tax breaks for the very wealthy. These tax breaks have been so important to them, that they have been willing to drive the nation into unprecedented debt to pay for them.

Meanwhile, Hispanic children are told that there is not enough money for their education. The Census Bureau just confirmed that Hispanics are the largest minority group in America.

Hispanics are also fueling the growth of America's workforce, accounting for one of every three new workers hired and are projected to be one of every two new workers by 2025. Yet, Hispanics continue to have the lowest levels of education attainment of any group in the country.

If we do not invest in advanced education and training for this emerging population, we put our Nation's economic foundation at risk.

The Congressional Hispanic Caucus, where I chair the Education Task Force, focuses on a group of Federal education programs that are critical to the Hispanic community.

These include Titles I and III of the Elementary and Secondary Education Act, migrant education programs, dropout prevention, HEP and CAMP, TRIO, GEAR UP, Hispanic-serving institutions and adult english as a second language. We call these programs the Hispanic Education Action Plan.

Unfortunately, the bill before us falls far short of the funding levels we need for these programs. I urge my colleagues to oppose the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to express my disappointment at the failure of the Republican party to adequately fund vital programs in H.R. 2657, the ''Labor, HHS, Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

Mr. Chairman, we have failed our Nation. The Labor-HHS—Education Appropriations bill leaves our health care system, our schools, our children and our communities at risk. Sadly, my Democratic colleagues and I have seen the writing on the wall.

Over the past several weeks, my fellow Democrats and I have been very outspoken on the Republican financially irresponsible bills. We opposed the Republican's tax cuts. We opposed the Republican's Medicare package. And now we oppose their appropriations request in H.R. 2657, and our opposition to the insufficient funding in this bill is directly due to the Republican's poor budget initiatives.

H.R. 2657 falls short of adequately funding our education and health care programs, among many other valuable programs.

EDUCATION

H.R. 2657 fails to adequately fund our nation's schools and fails to live up to the many promises made by the Republican party.

When the ''Leave No Child Behind'' legislation was passed we all believed we were committed in a bi-partisan way to guarantee that good schools were established in our communities to improve our overall living standards and close the gaps that divide our societies along economic, social and racial lines. The Republicans promised to be committed to bettering our education system. They have not lived up to that promise.

My colleagues on the other side of the aisle promised in its FY 2004 budget resolution to provide a ''$3-billion increase from the previous year for the Department of Education.'' Despite that promise, H.R. 2675 bill provides only a $2.3 billion increase over FY 2003—far less than the promise they made.

Another broken promise is the inadequate funding of the Title 1 Program. The Title 1 Program is critical to enabling schools with large student populations of low-income children to meet the No Child Left Behind Act's accountability and academic mandates. These schools enroll students with the greatest academic deficits, but they have the least experienced teachers, less competitive teacher salaries, higher teacher turnover, less rigorous curriculum, and less than their fair share of resources. All of these factors negatively impact student achievement.

The Republican's FY 2004 budget resolution promised a $1 billion increase over last year for the Title 1 Program. However, my colleagues on the other side of the aisle have failed to keep their word here as well. Instead of $1 billion, H.R. 2675 provides only a $666 million increase. The result of the Committee's action is that this bill falls $334 million short of the Majority's own promise. The loss of that money does not affect my Republican colleagues or their wealthy supporters. It affects millions of low-income children nationwide and their ability to get a quality education.

In the area of special education, the Republicans promised in the FY 2004 budget resolution to provide $2.2 billion over the current level. The Republicans repeated this promise in H.R. 1350—the bill reauthorizing the Individuals with Disabilities Act, adopted on April 30th on the House floor. Instead of providing our special education students with the funds they desperately need, and because of their massive tax cuts, this bill falls $1.2 billion short of that promise. This massive funding shortfall will force schools to continue to absorb the extraordinary costs of providing special education for nearly 6.7 million school children. Consequently, other education programs will have to be reduced or local taxes will have to be raised to makeup the funds.

Perhaps the biggest broken promise by the Republican party is the destructive impact of their budgetary action on the No Child Left Behind Act. The Members of the Republican party put tax cuts ahead of their education promises in the Leave No Child Behind Act. As a result, H.R. 2657 falls a stunning $8 billion short of the FY 2004 funding targets in the No Child Left Behind Act.

On the issue of higher education, the Republicans have harmed our college students as badly as they have harmed our low-income and special education students. As a direct result of the Republican's economic mismanagement over the past two years, only eight states in our union are not facing a severe budget crisis. The declining state fiscal crisis has forced states to make huge cuts in the budget of public colleges and universities. When states make cuts to public schools, the schools must raise their tuitions. The raising tuition costs are crushing working families who want to send their kids to college.

HEALTH CARE

Health care is another area in which the Majority's bill falls short of meeting urgent national needs. In these tough economic times, with the high rates of unemployment and the loss of health insurance that comes with it, federal health care is even more crucial to our communities.

Additionally, the state fiscal crisis are causing many States to cut back on eligibility and benefits under health care programs like Medicaid and the State Child Health Insurance Program (SCHIP), as well as on public health protection. The programs that are funded by the Labor, Health and Human Services, and Education appropriations bill help provide a crucial health care safety net for people without other access to care, and also help states and localities provide basic public health services.

The Majority's appropriations bill provides little funding to deal with the growing health care crisis. There are virtually no increases to the Maternal and Child Health Block Grant and no increase at all for the National Health Service Corps, a vital program which provides student loan repayment aid and scholarships for doctors and dentists who work in areas with a shortage of health providers.

The Committee bill also provides no increase at all for childhood immunization grants. That program has struggled to provide immunizations for children with the rising cost of vaccinations, and the bill will lead to further shortfalls. Additionally, while the Administration asked for $100 million to help us get better prepared to deal with an influenza pandemic, the bill provides only half of that request.

CONCLUSION

Mr. Chairman H.R. 2675 is yet another example of poor budgetary policy impacting the American people. The Majority Party's failure to act responsibly with America's funds has impacted our ability to fund our first responders so they can protect our homeland from terrorists. The Majority Party's failure to act fiscally responsible has resulted in 9.4 million Americans being unemployed. Now, through H.R. 2675, the Majority Party's failure to act fiscally responsible is depleting the resources of our schools and our health care system. This result is unacceptable for the hardworking Americans we represent. I oppose this bill, and I urge my colleagues to do the same.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. LATOURETTE, Chairman 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. 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, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2660 in the Committee of the Whole pursuant to House Resolution 312, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations, the majority leader or the minority leader or their designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD and numbered 3, 4, 5, and 8, each of which shall be debatable for 10 minutes; the amendment printed in the CONGRESSIONAL RECORD and numbered 6, which shall be debatable for 20 minutes; an amendment by Mr. OBEY regarding overtime regulations, which shall be debatable for 30 minutes; an amendment by Mr. OBEY regarding SCHIP, which shall be debatable for 10 minutes; an amendment in the nature of a substitute by Mr. OBEY, which shall be debatable for 10 minutes; an amendment by Mr. TANCREDO regarding school safety, which shall be debatable for 10 minutes; an amendment by Mr. ALLEN regarding title I of the Elementary and Secondary Education Act, which shall be debatable for 30 minutes; and an amendment by Mr. TOOMEY regarding National Institutes of Health grants, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Each amendment shall be debatable only for the time specified equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply like the assurances of the distinguished gentleman from Ohio that with respect to the amendments offered by the gentleman from Indiana (Mr. CHOCOLA) and the gentleman from Pennsylvania (Mr. TOOMEY), that time would be yielded to the minority side as well.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I think the unanimous consent indicates that it would be equally divided.

Mr. OBEY. No. That is a different question. I just want to make certain that of the committee time in opposition to those two amendments, that the minority will be yielded some of that time.

Mr. YOUNG of Florida. Mr. Speaker, I would advise the gentleman there is no problem with that.

Mr. OBEY. 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.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2660.

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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 further 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, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or the ranking member of the Committee on Appropriations, the majority leader or the minority leader, or their designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD numbered 3, 4, 5 and 8, each of which shall be debatable for 10 minutes; the amendment printed in the CONGRESSIONAL RECORD numbered 6, which shall be debatable for 20 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding overtime regulations, which shall be debatable for 30 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding SCHIP, which shall be debatable for 10 minutes; an amendment in the nature of a substitute by the gentleman from Wisconsin (Mr. OBEY), which shall be debatable for 10 minutes; an amendment by the gentleman from Colorado (Mr. TANCREDO) regarding school safety, which shall be debatable for 10 minutes; an amendment by the gentleman from Maine (Mr. ALLEN) regarding title I of the Elementary and Secondary Education Act, which shall be debatable for 30 minutes; and an amendment by the gentleman from Pennsylvania (Mr. TOOMEY) regarding National Institutes of Health grants, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in the request, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question. Each amendment shall be debatable only for the time specified equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

The Clerk will read.

The Clerk read as follows:

H.R. 2660

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 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

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding. I would like to take this opportunity to engage in a colloquy with my good friend from Ohio, but first I would like to compliment the gentleman from Ohio (Chairman REGULA) for the incredible work that he has done, once again, to put this bill together. He is again, as many have heard comments from both sides of the aisle today, one of the most respected and admired leaders in this House, and I am just proud to serve with him on the Committee on Appropriations.

The chairman has been a leader and a champion of funding for community health centers for many years now, and I appreciate the time he has given me on a regular basis to talk about the funding levels that are necessary to keep this wonderful program running. The chairman knows that the $122 million that is currently included in the bill is greatly appreciated. That would bring the fiscal year 2004 total to $1.627 billion.

However, there is great concern that this would not be enough to sustain the services at some health care centers, and that, in some cases, they could be forced to reduce services to existing patients as costs increase around the country. My purpose is simply to engage the chairman to ask for his consideration to continue working with us

to try to increase this number to the level of $225 million.

It is my understanding that Members of the other body are trying to work toward that goal; and if they are successful, we were hoping that we could also work in conference down the road to match that level. This would enable the program to serve 1.7 million additional patients, many of whom are uninsured. We all have examples from around the country from our congressional districts. In my case, health centers serve more than 28,000 people who would otherwise go without this care. We all have seen firsthand the good work that these great health centers are doing; and around the country, hundreds of thousands of Americans who would have no place else to turn are being served by these great people that work in these health centers.

I would just simply ask the chairman of the subcommittee that he would continue to work with us throughout this process to ensure that this program is provided an additional $225 million if at all possible in the final bill.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his kind words. We have agreed in the subcommittee that health centers are among our highest priorities. Since I have become Chair of the committee in 2000, we have increased this program by $486 million, or nearly 50 percent. We recognize that in too many cases health centers provide the only access individuals have to our health care system.

Obviously, the health centers program within appropriated funds cannot solve all of the overall access problems. Nevertheless, with the continuing challenges to providing access, we will do our very best through the remainder of the process and within fiscal restraints to provide further increases for the program. I certainly will be pleased to work with the gentleman from Texas to reach that goal.

Mr. BONILLA. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Ohio. Again, I just want to reiterate my gratitude to the chairman of the subcommittee for advocating this program and for his help not only on this issue, but so many others in the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. OBEY:

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. 49l–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 l 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''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

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

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, although I do not intend to take all of the time. I think we have already had the discussion; we might as well get to the votes just as quickly as possible. Let me simply explain what this amendment does.

The Republican majority, as I said earlier, made a conscious decision over the last 2 years to provide $2 trillion in tax cuts, all of which were paid for with borrowed money; and by doing that, they decided they were going to put the Congress in a box and the Congress would, therefore, not be able to adequately fund a number of crucial investments, including education and health. This bill now is suffering from the consequences of that action.

What we are trying to do by this amendment is to get the House to reconsider its decision. The gentleman from Texas said that those of us on the minority side of the aisle are desirous of raising taxes. This amendment does not raise taxes.

What we are asking this House to do is to limit the size of the tax cut for the 200,000 Americans who make more than $1 million a year. We are asking to limit the size of that tax cut to $44,000 instead of the $88,000 tax cut that they would otherwise get, so that we can use that money for the following:

In this amendment, which is one of two, we would simply reduce the size of that tax cut so that we could put $334 million into this bill for title I, which is the main education program that tries to help youngsters who need special help; but to get that help, we provide $334 million more to meet the promises of the Republican Party budget resolution. It is not our budget resolution; it is the budget resolution of our friends on the other side of the aisle.

We would also add $1.2 billion to the special education portion of the bill, again, so that we meet the Republican budget resolution promise. We would increase the Pell grant maximum grant by a modest $150 million, or 4 percent over the subcommittee bill. In the health area, we would provide $73 million of additional funding for community health centers. We would continue to rebuild the capacity of our public health system to respond to potential biological or chemical terrorist attacks. We would provide a 5.5 percent overall increase for NIH for biomedical research so that we can continue the progress that we have made on cancer, heart disease, Parkinson's, and many other diseases that plague mankind.

□ 1430

We would eliminate the cut of the Low Income Heating Assistance Program and provide $450 million more. We would provide $151 million more for community service block grants. We would provide $170 million in recognition of the fact that the Social Security Administration's backlog for approving and reviewing disability cases has risen from 400,000 to 600,000 cases.

As I said, what we are trying to do is to reestablish the linkage between actions taken on the tax cuts front and their implications for legislation such as the bill before us today.

So with that, Mr. Chairman, we have no further speakers on this side and I would simply seek a vote. And let me explain that if the gentleman lodges a point of order on this amendment, then what we will do instead of appealing the ruling to the Chair, what we will do instead is to simply at that point move to strike the enacting clause so that we can have a vote on whether or not you want to put the needs of millionaires for tax cuts ahead of the needs of our children for adequate education and health care.

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

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) claim time?

Mr. REGULA. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, we had this debate on the Committee on Ways and Means jurisdiction on the issue of a tax cut. This is not the proper venue. This is the appropriations bill; and, therefore, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. In addition, the amendment is a tax or tariff measure and is in violation of clause 5(a) of rule XXI.

Clause 2 of rule XXI states in the pertinent part: ''An amendment to a general appropriations bill shall not be in order if it changes existing law.''

The amendment amends existing law. Clause 5(a) of rule XXI states in part: ''A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures. And an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.''

The amendment is clearly legislation as well as a tax or tariff provision. And it is, therefore, in violation of the House rules.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, clearly if this point of order is upheld, what the majority would succeed in doing is, again, hiding from the public the practical consequences to education and to health care, worker protection programs of the majority party's past actions on tax cuts. What the majority party is trying to do is to use the rules to segment the discussion of the budget process so that one day without any context whatsoever, the House considers tax cuts and then after they have done that, then separately they consider what will happen to the rest of the budget. We think that is going to wind up with an unhealthy result for the public.

We do not control the House. Obviously, the majority party does; and so they have the capacity to use the rules that way. But when they do so, what they do, in my view, is to make meaningless virtually all debate and discussion in this House. And so if the gentleman insists on his point of order, we will have no choice but to concede it, and at that point I would simply then have a preferential motion at the desk which would ask that the enacting clause be stricken from this bill until such time as the House reconsiders its action on the tax package so that we do have room in the inn for the children this bill is supposed to serve.

The CHAIRMAN. For the reasons stated by the gentleman from Ohio (Mr. REGULA) and on the concession of the gentleman from Wisconsin (Mr. OBEY), the point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion at the desk.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his preferential motion.

Mr. OBEY. Mr. Chairman, we have taken this action out of courtesy to the Chair. But I feel very strongly about the vote that this motion will trigger.

When we are together in a bipartisan fashion, as we have been on some occasions in the past 8 years, we have produced good pieces of work and both political parties have justly been proud of the outcome. But right now this House is locked in the clutches of an ideological majority which has decided that at all costs they will put tax cuts primarily targeted at the most wealthy people in this country ahead of every other legitimate need. So they have passed $2 trillion in tax cuts, all paid for with borrowed money; and then when the labor-health appropriations bill comes to the floor, they say, ''Oh, I am sorry. We have to stop the progress at NIH. I am sorry, we cannot have any expansion of research this year for cancer or for Parkinson's or diabetes or for any of the other diseases that plague people. I am sorry, we cannot even meet our own promises for title I in the education bill. I am sorry, we cannot meet our promises to children who require special help because of disabilities. I am sorry, we cannot meet those promises because, you see, we have already spent the money on the tax cut.''

So what we are saying is: ''Look, take this bill back to committee, strike the enacting clause so that the bill can go no further, go back and reconsider, go back and reconsider and allow us to vote on shaving the size of that tax bill.'' Only for the top. All we are talking about is to take a look at the size of the tax bill, or the size of the tax cuts, I should say, that are provided to people who make more than a million dollars a year. Right now they are scheduled to get an $88,000 tax cut. We are saying if you shave that in this amendment to only $70,000, you can meet the education needs of the country; you can meet the health care needs of the country. You have spent $2 trillion on tax cuts, and now you are telling us there is not room in the end for $2.8 billion in education funding and in health care funding? That is what you are telling us.

You built the box in which you are now locked; and you are saying, ''Gee whiz, we do not have a key.'' This is the key. So if you vote for this motion, you will be voting to send this bill back to the committee until this House comes to its senses and says to our friends, the 200,000 of them who make over a million dollars a year, ''Folks, we love you. We hope everybody can see the day when they will make a million dollars, but we ask you to take just a little bit less so we can provide funding in this bill for education and health care and other needed public services.''

I would bet you that 90 percent of the people who are going to get those giant-size tax cuts would say, ''You bet. We think we would rather see those investments in children before getting this superduper-sized tax cut.'' I have enough confidence in their patriotism and their concern about the future of this country that they would make that choice even if a majority of this House seems to not want to make or even confront that decision.

Mr. Chairman, I would ask for an ''aye'' vote on the motion.

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

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes in opposition to the motion.

Mr. REGULA. Mr. Chairman, I would be interested in checking with Treasury to find out how many people would voluntarily return their tax cuts. I would daresay it will be few.

I want to point out once against that this budget is double what it was 8 years ago when we took over for all of these good things. Having said that, I oppose the amendment. I hope my colleagues will vote ''no'' on this amendment.

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

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 222, not voting 13, as follows:

[Roll No. 347]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
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
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
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

NOES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
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
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
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)
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
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Conyers
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Kingston
Millender-McDonald
Owens
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1500

Messrs. GARRETT of New Jersey, PAUL, McINNIS, Mrs. MYRICK, Mr. RAMSTAD and Mr. GARY G. MILLER of California changed their vote from ''aye'' to ''no.''

Mr. SCOTT of Georgia changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, had I been present for rollcall vote Nos. 346 and 347, I would have voted the following way: Rollcall vote No. 346, on Approving the Journal—''yea''; rollcall vote No. 347, strike enacting clause of H.R. 2660—''nay.''

Mr. REGULA. Mr. Chairman, as the gentleman from Wisconsin (Mr. OBEY) and myself are making every effort to expedite this bill today, I, therefore, ask unanimous consent that the remainder of the bill, through page 91, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 2, line 5 through page 91, line 17 is as follows:

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 of 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 Employee Benefits Security 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 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 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, $450,008,000, 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.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $266,767,000, 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, $437,152,000, together with not to exceed $75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

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; $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 management process to assure a sound investment strategy; $252,701,000; 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, $60,896,000, 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.

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, $6,252,256,000, 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 $753,317,000 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 for carrying out special projects of regional and national significance pursuant to section 501(l)(2): *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, $4,588,671,000, of which $206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $242,569,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than $100,000,000, 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 $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 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, $4,770,519,000.

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, $2,867,995,000.

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, $382,396,000.

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, $1,670,007,000.

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, $1,468,926,000.

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, $4,335,255,000: *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, $1,923,133,000.

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, $1,245,371,000.

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, $648,299,000.

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, $630,774,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $994,411,000.

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, $502,778,000.

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, $380,377,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $134,579,000.

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, $430,121,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $995,614,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,382,114,000.

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, $478,072,000.

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, $282,109,000.

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, $1,053,926,000: *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.

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, $116,202,000.

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, $192,724,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $64,266,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $316,040,000, 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, $317,983,000: *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

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, $80,000,000, 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, $3,329,000,000: *Provided further,* 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 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 $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, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $100,000,000: *Provided,* That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act, and notwithstanding the designation requirement of section 2602(e).

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses 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), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), 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 shall be available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106–386, div. A): *Provided,* That funds appropriated under this heading 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, to remain available 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), $2,099,729,000 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 5.5 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, 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, $8,599,670,000, 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 before September 30, 2004; 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 $577,562,000 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 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 $50,000,000 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, $1,377,421,000, 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, $11,185,000 shall be for activities specified under section 2003(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 is 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 U.S. 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, $1,726,846,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,116,156,000; 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 of Health and Human Services, 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, $50,000,000, 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 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 2002, 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 excercised 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.

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, $14,507,000,000, of which $6,943,199,000 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 $7,172,971,000 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 $3,018,499,000 shall be available for targeted grants under section 1125: *Provided further,* That $793,499,000 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, $1,238,324,000, of which $1,073,000,000 shall be for basic support payments under section 8003(b), $50,668,000 shall be for payments for children with disabilities under section 8003(d), $44,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $62,000,000 shall be for Federal property payments under section 8002, and $7,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles 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''); the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $5,797,637,000, of which $4,296,772,000 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 $390,000,000 shall be for subpart l 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 under the Elementary and Secondary Education Act.

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 of title I, parts A, C, and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965, $807,959,000: *Provided,* That $74,513,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall become available on July 1, 2004, and remain available through September 30, 2005, and 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 activities 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, $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 academic year 2004–2005: *Provided,* That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345: *Provided further,* That of the funds available for subpart 2 of part A of title IV, $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.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $685,515,000, of which $560,543,000 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, $11,049,790,000, of which $5,690,762,000 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 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.

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, and 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, as amended, $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, $14,247,432,000, 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 $4,050.

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.

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 one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities.

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, DC.

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.

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 determinded 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, $239,429,000: *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 $8,241,800,000 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 2003 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, $24,500,000, together with not to exceed $63,700,000, 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) The matter under the heading ''Department of Education—Education for the Disadvantaged'' in division G of Public Law 108–7 is amended—

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

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

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

SEC. 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.

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise a point of order against section 217(B) on page 57, lines 7 through 25, and page 58, lines 1 through 24, of this bill, H.R. 2660, on the grounds that this provision violates clause 2(b) of House rule XXI because it is legislation included in a general appropriations bill.

The CHAIRMAN. Does anybody wish to be heard on the gentlewoman's point of order?

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise this point of order respectfully and regretfully, but it is important that this section be struck. In 2001, I helped author and pass in this House a requirement that providers be required as of this October to submit all Medicare claims electronically. Because most electronic billing systems eliminate inaccurate and duplicate claims, the user fee is unnecessary, as Medicare will get dramatically fewer mistakes after October. Harnessing a new claims processing and billing technology is preferable to using a punitive, per-claim tax to reduce mistakes.

In addition, current law gives small providers the leeway that they need. Hospitals with fewer than 25 full-time employees or a physician practice with fewer than 10 full-time employees are exempted from this requirement.

In sum, the current law that goes into effect October 1 covers this matter and provides the proper small business exemption. But in addition, the issue of what is a clean claim can be a very controversial issue and intermediaries have enormous power in this matter.

Mr. REGULA. Mr. Chairman, we concede the point of order. I am just trying to save some time here.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman, and I would be happy to work with him to see if we can resolve this problem, because I appreciate the gentleman's dedication to giving CMS the administrative funds they are going to need to implement some of the reforms. I look forward to working with the gentleman on that.

Mr. REGULA. Mr. Chairman, we concede the point of order, and we will work together to solve this problem.

The CHAIRMAN. The point of order is conceded, it is sustained, and the provision is stricken.

AMENDMENT NO. 5 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BEREUTER:

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))

The CHAIRMAN. The gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I yield myself 4 minutes.

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

Mr. BEREUTER. Mr. Chairman, this amendment requires the Agency for Healthcare Research and Quality to spend $12 million for the conduct of research on the comparative effectiveness, cost effectiveness, and safety of drugs, biological products and devices under their existing authorization.

This is a priority-setting amendment that is intended to ensure that objective scientific research on prescription drugs continues or is accelerated in fiscal year 2004. This, unfortunately, may not be an increase in spending for this purpose, but the $12 million figure is the amount the agency estimates it currently spends on this effort to assess the efficacy of drugs.

This amendment does not require new money to be spent. Instead, the amendment earmarks $12 million for the total amount yielded to what is called the AHRQ for such research. This Member wishes it could be more; and in fiscal year 2005, it should, pending good results, be dramatically increased.

The amendment also demands accountability by requiring the agency to actually and productively spend such funds on this initiative.

Mr. Chairman, while the Food and Drug Administration is charged with assuring the safety of pharmaceuticals that are approved for the marketing, clinicians, patients, health plans, insurers, and those financing health care services need additional help in making informed choices among pharmaceuticals. They need objective scientific information regarding the effectiveness, quality, and cost effectiveness of new drugs in comparison with existing alternatives, especially when the new drugs cost much more than those that are now on the market.

While the responsibility for developing this type of scientific research was assigned to AHRQ and reinforced by two different authorizing acts, the Congress has never provided AHRQ with the adequate resources necessary to carry out that important mission. Additional pharmaceutical research conducted by the AHRQ would also be beneficial, for example, to the Medicaid program.

Specifically, AHRQ's research can help State Medicaid programs better target their health care dollars. By a research initiative, for example, the AHRQ recently demonstrated that children with a common ailment, middle ear infection, recovered just as effectively after treatment by one of several antibiotics as they do from treatment by more expensive brand-name products. This is precisely the type of information that State Medicaid programs need to guide coverage decisions on a whole range of medical conditions, but

by and large such objective research findings do not exist for most health conditions.

Additional research on anti-inflammatory drugs, cholesterol treatment drugs, and drugs to treat other medical conditions would also be beneficial in the development of Medicare prescription drug benefits. Perhaps the AHRQ should conduct research on the clinical appropriateness and cost effectiveness of the 50 drugs most frequently prescribed for senior citizens. The findings would certainly be interesting; and this Member believes that, overall, it would result in greater cost effectiveness, greater drug efficacy, and, therefore, lower cost to the patients and the American taxpayers.

Mr. Chairman, Americans deserve the best health care for their dollar. The goal of this amendment is to provide clinicians, patients, health plans, insurers, and others financing health care with the credible, objective information on the benefits, risks, and costs of prescription drugs so they can make informed decisions about the prescriptions they consume and prescribe.

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

Mr. REGULA. Mr. Chairman, I seek the time in opposition to the amendment. However, I am willing to accept the gentleman's amendment with the understanding that in preparation for conference we will learn more about its impact on the administration and the Members' priorities.

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

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, in deference to all, and the time constraints we are under, I will not take the full minute, but I do want to say that often very small amendments are extremely important. This amendment is absolutely key to reducing the costs of drugs.

There are many expensive products on the market that are no better than aspirin, and we need to be able to demonstrate that and provide senior citizens and all Americans with that information so they can choose the most cost-effective, medically effective pharmaceutical for their particular needs. I commend the gentleman from Nebraska on his amendment.

Mr. BEREUTER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Nebraska has 1 minute remaining.

Mr. BEREUTER. Mr. Chairman, I yield myself the balance of my time to, first of all, thank the gentlewoman for her comments, and I also thank the chairman for his comments and his remarks regarding securing information about the impact.

I do believe that the research estimate of $12 million probably includes not only contract services but also direct grants. I want to make sure that we have not too specifically prescribed the authorizing subsections so that we cover all the contracting and the grants that are made for this purpose. So it would be good to look at that, because last-minute information coming to us may have provided that when we were actually too very specific by specifying the subsections.

With that information, Mr. Chairman, I ask Members for their support on the amendment.

Mr. NETHERCUTT. Mr. Chairman, I support the gentleman from Nebraska's efforts to provide Americans with information in order to make educated decisions about their health care needs. However, I have concerns with his amendment. Though the gentleman's amendment does not change the Agency for Healthcare Research and Quality basic statutory authority, it does increase funding for comparative and cost-effectiveness studies by the AHRQ. I am fearful that by earmarking new funds for this explicit purpose, it may set AHRQ in the wrong direction.

I support efforts to reduce prescription drug costs by educating patients about what medicines best treat their ailments, allowing individual patients to make their own decisions about their health care needs. However, I fear that by promoting this amendment as a way to cut prescription drug costs it will turn comparative and cost-effectiveness studies into a means of implementing health care rationing by federal agencies such as the Centers for Medicare and Medicaid Services. An agency that calls itself a "big dumb price fixer." The answer to reducing health care costs is not by limiting patient access to the treatments they need.

I am concerned that government-run cost-effectiveness studies being promoted as a cost control tool will allow CMS to use these studies to pick and choose which medicines should and should not be available to patients. Making determinations in this way are biased against newer treatments that can cost more up-front but save more over time.

In short, this amendment encourages the federal government to direct medical care and promotes a "one-size-fits-all" approach to medicine which is bad for patients.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. RAHALL:

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.

The CHAIRMAN. Points of order are reserved; and pursuant to the order of the House of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume; and I do offer an amendment, which is printed in the RECORD as No. 6.

Mr. Chairman, I rise in recognition this afternoon of the ultimate sacrifice that thousands of our Nation's coal miners who have perished from the crippling disease known as pneumoconiosis, or black lung, have made to the energy security of this Nation.

Today, I rise to extend condolences to the families of coal miners who died as a result of years of inhaling coal dust in our Nation's mines. Today, I rise to give hope to those who on this day descend deep into the Earth to produce a coal which fostered the industrial revolution in this country and which now fires the technological revolution. I rise in humble gratitude to them, and I say, thank you.

And I rise in anger as well, Mr. Chairman, because despite the fact that the Congress in 1969 passed landmark legislation to put an end to black lung disease contracted over years of inhaling respirable coal dust in the mines, annually around 1,400 miners still perish from this disease.

□ 1515

Yet this administration, the Bush administration, incredibly has proposed a regulation which would allow a fourfold increase of respirable dust in the coal mines. If made final, that regulation would directly translate into more deaths among our Nation's coal miners.

I have asked that this proposed regulation be withdrawn. The United Mine Workers of America have asked that it be withdrawn. Hundreds, if not thousands, of rank-and-file miners across this country have asked that these regulations be withdrawn.

In response, the administration has simply extended the public comment period. It is not going to withdraw these regulations. And why would it when the Assistant Secretary of Labor in charge of this issue was the very person who petitioned for these regulations when he served in the private sector? Imagine that.

Today I hope to give the coal miners a fighting chance by offering this amendment to block the Department of Labor from finalizing these ill-conceived proposed regulations. Enough is enough. Over 55,000 coal miners perished from black lung between 1969 and 1990, and still today 1,400 a year pass away as a result of it.

The poster to my right clearly illustrates what a coal miner faces from black lung. To the left is a healthy lung tissue. On the right, the far right, is a tissue sample of a 40-year-old coal miner. Compare that to the sample in the middle of a 90-year-old person.

To quote from the Louisville Courier-Journal which once described this disease in this manner, "It is as if the Titanic sank every year, and no ships

came to the rescue. While that long-ago disaster continues to fascinate the Nation, the miners slip into cold, early graves almost unnoticed.''

This amendment would prohibit the Department of Labor from finalizing these proposed rules while allowing continued research and development on devices such as personal dust monitors. I want to emphasize that last point. This amendment still allows the continued research and development on devices supported by both the industry and the union known as PDMs, or personal dust monitors. I am not stopping research and development of those devices from continuing. The intent of this amendment is to cause MSHA to withdraw the proposed rule and re-promulgate it in accordance with the letter and intent of the Mine Safety Act in order to improve the dust sampling and compliance regulatory program. I urge a yes vote on the Rahall amendment.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind Members that the use of audible electronic devices on the House floor is prohibited.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 10 minutes.

Mr. REGULA. MR. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the amendment before us is unnecessary and potentially harmful. Simply put, it would restrict the Mine Safety and Health Administration's ability to protect miners from coal dust exposure until October 2004.

The proposed amendment is unnecessary because the Agency has already moved to suspend regulatory action on these rules until testing of revolutionary coal dust monitoring technology is completed. As a result, this amendment is not only needless, but could work to delay improved coal dust rules for perhaps several years to come, and I think it must be rejected. To do otherwise would be a great disservice to the miners these rules are designed to protect without any logical purpose.

Let us look at the facts. On June 24, 2003, the Agency suspended its proposed rule in this area. The reason for the delay is clear. The first field test of new coal dust monitoring technology, called personal dust monitors, showed genuine promise, so much so that the PDMs could represent a potential revolution in monitoring miners' exposure to coal dust, and MSHA concluded that additional tests should be conducted before moving forward on this proposed rule.

This is more than lip service. This appropriations bill already provides $250,000 to purchase 25 additional PDMs for testing in underground mines, and this additional testing is supported by both the mining industry and the miners' union. Most importantly, I have been assured that until the testing provides sufficient, reliable information in this area, no further regulatory action is to be taken.

The Agency's actions are reasonable and prudent because significant portions of the coal dust rules could be affected if PDMs prove to be as effective as early tests might indicate. This testing will take time, and that is why the Agency will not move forward with this testing until they have more reliable data.

Unfortunately, the amendment would prevent MSHA from acting on this issue and could have the unintended consequence of delaying a new rule that would utilize PDMs to their fullest potential.

So for these reasons I would hope Members would join me in rejecting this amendment. The Agency has suspended its proposed rule to implement further testing of PDMs, and this should be more than adequate to address any concern over the implementation of these new devices.

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

I would add that we have money in the bill to study these, and I would hope that the gentleman would withdraw his amendment. It really is unnecessary in light of the Agency's action. They received a lot of negative comments on the proposed rule, and for that reason have withdrawn it.

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

I appreciate what the gentlemen are stating. In response to the gentleman from Ohio (Mr. REGULA), there is funding for these PDMs. Research and development is provided elsewhere in the Department of Labor budget. It is under the budget for NIOSH.

In regard to what the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Ohio (Mr. REGULA) have said, MSHA did not suspend the proposed rule. I know what they stated. They stated they were suspending the proposed rule in a press release. That is not the case. The notice of this action in the Federal Register, and that is what counts, what is said in the Federal Register, the notice of this action in the Federal Register simply notes that the Agency was keeping the comment period open until further notice. It is not stated as a suspension in the Federal Register.

What MSHA said in a press release does not match the facts, the reality, on the other hand as it appeared in the Federal Register. So it is not a suspension. There is no legal basis for suspending a proposed rule, and it cannot be done. In its guide for Federal agencies, the Office of the Federal Register advises that the term ''suspend'' applies only to blocking enforcement of existing final rules. The term does not apply to proposed rules. When agencies want to halt action on proposed rules, according to the guide, they withdraw the rules; and that has not occurred here. These proposed rules have not been withdrawn, and that is why my amendment is seeking to force the issue.

In regard to further research and development into the PDMs, as I clearly stated in my opening comments on this amendment, I am in no way blocking continued research and development into the development of these PDMs. Both the unions and the companies want this research to continue. My amendment does not block that research.

The amendment blocks MSHA from finalizing the proposed rule. It does not restrict MSHA from engaging in any other activity related to the proposed rule other than making it final. Second, there is nothing in the proposed rule that involves funding R&D into PDMs. The proposed rule does not contain funding, and if made final would not provide funds for PDM deployment. So for that reason I think my amendment is on solid ground, and I would urge the adoption thereof.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I would like to ask a question. As I listened to the remarks of the gentleman from West Virginia (Mr. RAHALL), I was struck by something the gentleman said. Did I hear that the Assistant Secretary of the Department of Labor who is in charge of the proposed rule regarding coal dust rules was the very person who petitioned for these regulations when he served in the private sector?

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentleman from Ohio is correct. The Assistant Secretary of Labor for Mine Health and Safety, David Lauriski, was the general manager of a coal company known as Energy West, and was the very person who filed in September 1997 a petition asking for the rulemaking he is now in charge of administering.

Mr. STRICKLAND. Mr. Chairman, that is incredible. This House should know of what I think is a direct conflict of interest. Does the gentleman have evidence to support what he is saying?

Mr. RAHALL. Mr. Chairman, I do. The Department of Labor's March 6 Federal Register notice publishing these proposed rules notes that Energy West petitioned the Secretary of Labor on this matter during September 1997 and states on page 10800, ''This proposed rule responds to Energy West's petition for rulemaking.''

We obtained a copy of the petition, which I have right in front of me, and lo and behold, it is signed by David Lauriski in his then-capacity as general manager of Energy West.

Mr. STRICKLAND. Mr. Chairman, reclaiming my time, I thank the gentleman for exposing this conflict of interest. The fact of the matter is black lung disease continues to be a problem. It has not been eradicated. Over 1,400 coal miners still perish this year in this country, and here we have an administration which is pushing a proposed rule which could increase dust levels in the mines fourfold.

This is a case of the fox guarding the henhouse.

In closing, I believe this is an insult to the working people of America. It can spell certain death to some of the bravest souls in this country. We should support this amendment so this proposed rule is withdrawn and done right.

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

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I have absolute proof that Dave Lauriski comes from the private sector, and I am delighted that he comes from the private sector to bring to us new and innovative ideas on health and safety for our miners.

I must oppose this amendment, and let me say that I do so, I believe, for the sake of the health and safety of American miners.

Any attempt to slow down the progress of what could be groundbreaking safety technology or hinder its widespread use is just wrong, and that is what this amendment does. This amendment basically is unnecessary because the Mine Safety and Health Administration acted on July 24 to suspend the proposed rule referred to in the Rahall amendment. I do not know the legal mumbo-jumbo, I just know they have absolutely postponed this rule for very good reasons. If we pass this amendment, it is not going to allow us, perhaps, to write a rule that involves the new technology that could be the technology that saves a lot of lives. This amendment carries with it certain unintended consequences that is going to run counter to the interests of promoting workers' health.

MSHA made the decision to postpone the implementation of the rule because of the first field test of new coal dust technology, called personal dust monitors, PDMs, which are very expensive and could be very life-saving for miners. These tests showed such genuine promise that MSHA concluded that additional tests were needed before moving forward with the proposed rule. We need to do the study, do the testing and get this technology, and then be able to write the rule to put it into place.

Both the mining industry and unions both supported this decision. In fact, the Mine Workers president sent out a press release the day after MSHA postponed its rule applauding that decision. Clearly, because the results of these field tests could cause MSHA to rewrite sections of its rule, to incorporate the technology of PDMs, MSHA needs the test results before it can move forward, and then it does need to be able to move forward. Again, that is not a delay. It is a positive move intended to advance technology that hopefully will be great for the mining community. Please do not confuse an arbitrary delay with a positive effort to move forward on technological advance.

In sum, this amendment is unnecessary. In fact, it represents a regulatory overkill basically without any clear benefit. Perhaps more importantly, this amendment could prevent MSHA from completely utilizing the new technology. Vote against this amendment because it is a positive vote for progress.

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

Mr. Chairman, I cannot allow obfuscation or dilatory diversion tactics from some in the majority to go unanswered.

□ 1530

This is about increasing by four-fold the dust level in our Nation's coal mines, further putting coal miners at risk of losing their lives.

The gentleman that just responded obviously was not listening to my previous two comments. These proposed rules have not been suspended, as MSHA said in a press release, because I have the Federal Register right here in front of me which says exactly the opposite of what their own press release said. So the question here is about protecting some of the bravest souls in America who are laboring deep underground to produce our Nation's coal which provides over 50 percent of our electricity.

It is not about trying to defend some former company official who is now at the Department of Labor in charge of this exact same rulemaking that he tried to change when he was in the private sector. This is about increasing by four-fold the amount of dust levels in our Nation's coal mines, not what was intended by any act that this Congress has ever passed. It is a tragedy. It angers me, and here a gentleman from some other region of the country that I am sure does not have many coal mines in his district to come to the floor and make such defense of such defenseless acts of this administration is truly incomprehensible. It is mind boggling, and to see him make such comments and then walk off the floor without even hearing and obviously was not even here to hear the previous rebuttal to what the charges he is making that were handed to him by some coal company downtown. It is absolutely mind boggling that some of the majority would try to pull the wool over the American people's eyes.

I would hope that those who have any comprehension of what it is like in our Nation's coal mines, who have ever visited a coal mine, who have ever talked to a coal miner and looked into his eyes will vote for this Rahall amendment to further protect him from this administration.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I know we do two things here: we do politics, and we do public policy. The fact is that MSHA has suspended and/or withdrawn the regulation, and the gentleman's amendment says that MSHA cannot promulgate a new regulation until October of 2004. The hope is that these new personal dust monitors, this new technology will in fact continue to show the successes that it has so that MSHA can continue with the regulatory efforts and to get their new technology into the workplace as soon as possible.

But under the gentleman's amendment, MSHA would be prohibited until October, 2004, from proceeding. I do not think that is in the right light. I think what we are seeing here is some coal politics on the floor of the House. I think it is unfortunate. This is commonsense policy coming from MSHA. We ought to congratulate them for the wisdom in suspending what they were going to do to look at this new technology. But if it works, why would we want to wait until October of 2004 to implement it? I would urge my colleagues to reject the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause six of rule XVIII, further proceedings on this amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MANZULLO:

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''.

The CHAIRMAN. All points of order are reserved.

Pursuant to the order of the House today, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

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

The purpose of this amendment is to increase the content requirement of the Buy American Act from 50 percent to 65 percent. This is a very simple amendment. It recognizes the fact that America has a tremendous problem with regard to our loss of our manufacturing base. We are down to about 10 percent of our workforce that is actively engaged in manufacturing. Each year that falls by several percentage points. It is massive, 6½ percent nationwide. And the congressional district that I represent, Rockford, Illinois, is at 11 percent and possibly even more because of the huge manufacturing base. Something has to be done in order to keep what manufacturing we have in this country. So why not take the billions of dollars that we use in procurement by the Federal Government and say, as we look at the stuff that the Federal Government buys, why not at least 65 percent of that be bought in America.

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

The CHAIRMAN. Who seeks time in opposition?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I understand the gentleman is withdrawing the amendment, but I do believe in the course of looking at what is occurring in America with this enormous unemployment rate I think the gentleman's amendment is extremely sensible and hopefully this idea of ensuring that even the Federal Government is concerned about products being produced in America and thereby creating jobs in America and as I know the gentleman's leadership on the Committee on Small Business helping small businesses which are prolific in all of our districts and certainly in the 18th district, I would certainly hope that we have an opportunity to ensure that we are front and center on creating and buying products here in the United States and to be able to fill in some of the gaping holes. Of course, that is not the only way we can do so, but the gaping holes with respect to this very high unemployment rate must be addressed! And I thank the gentleman for yielding.

Mr. MANZULLO. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) seek time in opposition?

Mr. REGULA. Mr. Chairman, I was just going to commend the gentleman. I think there is merit to it, but I understand he is withdrawing it.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

Page 62 line 21, after the dollar amount, insert the following: ''increased by $5,000,000''.

Page 63 line 5, after the dollar amount, insert the following: ''increased by $5,000,000''.

Page 68 line 2, after the dollar amount, insert the following: ''reduced by $5,000,000''.

The CHAIRMAN. All points of order are reserved.

Pursuant to the order of the House today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

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

Our schools are supposed to be safe havens, places where our children go to learn, places free from danger. For the most part, that is exactly what they are. As we have seen so many times over the last few years, our schools can sometimes bear witness to unspeakable tragedies. Names of communities that were once comfortably anonymous, like Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and most recently Red Lion, Pennsylvania; and of course my hometown of Littleton, Colorado, are now burned forever in American consciousness. Since 1996, at least 25 school shootings have occurred, leaving at least 48 people dead and 110 wounded. Countless others will be scarred by these tragedies for life. The phenomenon of school violence has touched not only those of us who live in places like Littleton, but everyone who has watched these heartbreaking catastrophes unfold on television.

Mr. Chairman, my amendment would shift $5 million within title III of the bill from the $1.9 billion Higher Education section, to the Project School Emergency-Response to Violence Program, Safe Schools and Citizenship Education. As drafted, the bill currently funds this program at $5 million, or about one half of the President's 2004 budget request. My amendment, if adopted, would fund the program at the level called for in the President's budget. This program makes available short- and long-term assistance in the form of both immediate and extended services.

Mr. Chairman, it is my understanding that the $5 million that I am attempting to shift from the Higher Education-Improvement of Postsecondary Education program was included above and beyond the President's request and that sufficient funds are available in other program accounts to meet the administration's identified needs in this area. I ask for a ''yes'' vote on the amendment.

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

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment would prohibit the Department of Education from penalizing a school for failing to meet the requirements of the No Child Left Behind Act unless that school receives Federal aid at the full authorized level. With the No Child Left Behind Act, Congress struck a grand bargain with our communities' schools. We asked schools to meet critical accountability standards, and in return we promised them Federal aid to help make those standards a reality.

But the underlying bill, the Labor-H bill, H.R. 2660, provides essentially woefully insufficient funds for local school districts and States to meet those requirements. Congress is simply not fulfilling our share of the burden. We are not living up to our end of the bargain and the difference is $6.15 billion in fiscal 2004 alone. Fiscal 2004 alone, the shortfall here below what was authorized under the No Child Left Behind Act was $6.15 billion. That is impacting our States and municipalities in dramatic ways. Back home in Maine, wherever I go, whenever I talk to educators, I always hear the same thing: you have not fully funded special education. We are supporting that

at the State level and at the Federal level, and now we get the mandates of No Child Left Behind and we have another burden.

States right now are in their worst budget crisis since World War II, and they are struggling to cope with these unfunded Federal mandates, particularly in education. As a result, what is happening in Maine and around the country is that property taxes are going up. The burden is simply being passed down to the local property taxpayer. In Maine, 50 percent of the State budget is education, and in Maine municipalities between 50 percent and 75 percent of the municipal budgets are education. And we at the Federal level are simply making their burden much worse. This amendment is not intended to weaken the standards laid out in the No Child Left Behind Act. I joined with most of my colleagues on this side of the aisle, the bipartisan majority, in supporting the accountability standards of the No Child Left Behind Act, and we believe still that our schools will benefit from these standards, but only if they receive the promised money.

This amendment simply provides a respite during fiscal year 2004 for schools struggling to comply with the law without full Federal assistance. And let me just be clear about this. The way the amendment reads is that none of the funds made available in the act may be used to enforce any of the penalties under No Child Left Behind against municipal or State bodies if the Congress appropriates for this act less than $18.5 billion. That is the amount that was authorized to be appropriated. So if our appropriators do not fully fund No Child Left Behind, then this amendment provides that we cannot impose penalties on so-called failing schools. This amendment will be a real boon to States because they are struggling so much now with so many other costs and challenges in their budget, and this is one way of saying to them the Federal Government is not going to come down and impose penalties for failing to meet an education mandate that the Congress of the United States has not fully funded.

I urge my colleagues to support the amendment.

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

Mr. BOEHNER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) is recognized for 15 minutes.

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

This amendment is a sad attempt to return to the days of spending billions and billions of dollars and getting nothing in return. Since 1965, the Federal Government has spent over $300 billion in K through 12 education programs, and what have the results been? Zero. Nothing. And we worked in a bipartisan way on both sides of the aisle to bring real accountability to our schools to ensure that no child was left behind, and the agreement we made was that we would provide sufficient funding to put this into effect and we have. We can look at the $1.2 billion increase in title I two years ago, the $1.3 billion increase last year, the $666 million increase this year.

□ 1545

Or how about the almost $400 million that we have appropriated each of the 3 years to actually help the States implement the test, and the GAO came along and suggested a study on my behalf and others' that said that the almost $400 million we are appropriating annually is sufficient money for the States to develop and implement the test.

What this really is is the first big step in the direction of making more excuses, more excuses why we cannot educate every child in America. We have been down this path before, and we have really been down the path the last 20 years. There have been all kinds of attempts at reforming our schools the last 20 years, and guess what happened? Somewhere along the way it got to be too tough. It got to be too difficult. ''Oh, do not hold us accountable.'' And what happened? We have backed away every single time in virtually every single State.

The night that this bill was signed into law, I was over at Mount Vernon with the Secretary of Education, meeting with the 50 school chiefs from around the country who were charged with implementing this. I congratulated them on their service to education and the great commitment they were making to kids, and I talked about the heavy lifting that was going to be involved in implementing No Child Left Behind.

I also told them that, for the first time, do not come and ask the Federal Government for waivers. In the 1994 act, which many of the things that we called for in No Child Left Behind were enacted in 1994, in January of 2001, when the Bush administration took office, exactly 11 States were in compliance with the 1994 act.

Right now we are at the most historic moment of the Federal involvement in education, because right now all 50 States and the District of Columbia and Puerto Rico are in compliance with the new law. They were all required to have their State accountability plans in place and submitted to the Department by January, and the Department was to have all of them approved. And the Department of Education here in Washington sat down with virtually every State to work through their accountability plan and to work to make sure that we were not unnecessarily upsetting what was already happening in the States. There was an agreement and a celebration at the White House several weeks ago to celebrate this accomplishment of having all of the States in compliance.

Now, could we spend more money? Yes. Are the States in difficult times? Yes. But I want to ask all of you, are we going to blink again? We have blinked so many times over the course of the history of this country because it was too hard to educate all of our kids, and I, for one, and I think the President and I think my good friend on the other side of the aisle, the gentleman from California (Mr. GEORGE MILLER), and TED KENNEDY in the other body have locked arms to say we are not going to blink.

We are not going to blink. The lives of poor kids in our country who get shuffled from one grade to the next will continue as they are if we blink. We all know what happens in our local schools. They move them from one grade to another, whether they learn anything or not. Kids graduate that cannot read their diploma. At some point in America, somebody has to stand up and say, enough is enough.

I would suggest to you that we are spending an additional $2.2 billion in this appropriation bill to fund elementary and secondary education programs. We are continuing to keep our commitment, and I would hope that my colleagues would stand up today and say, for the sake of these kids and the sake of poor kids in America, we are not going to blink again.

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

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members not to characterize the positions of Members of the Senate.

Mr. ALLEN. Mr. Chairman, I yield myself 1 minute to respond.

Mr. Chairman, wherever I go in the State of Maine, the school districts that are in my district and across the State, they are not looking just at the cost of developing the test, though it is pretty clear that they do not have the money to do that. They are not looking just at the cost of developing the test, they are looking at the cost of how to operate the test, and they are also faced with teacher quality mandates that are a real burden.

The General Accounting Office has estimated that for fiscal year 2004, that the administration requested $390 million, $182 million below State 2004 expenditures as estimated. What we are talking about here in different categories, and that is just one, is a failure of the Federal Government to meet the actual amount that our States and local municipalities will have to spend.

Mr. Chairman, I yield 3 minutes to gentleman from Kansas (Mr. MOORE), who has worked with me on this amendment and who has other legislation pending along these lines.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me time.

More than 27 years ago Congress made a promise to our local school

boards and State school boards, and we said to the educators across our country, you take special needs children out of our hospitals and institutions and bring them into the public schools for education, and we, Congress, will pay 40 percent of the cost of educating those children.

The States and locals did. Congress did not. An unfunded Federal mandate, a promise made, a promise broken, and we are doing it again now.

I voted for the No Child Left Behind Act. I think it was the right thing to do. I want accountability in our schools, and I want to leave no child behind, and I want our schools to succeed. But when we place additional requirements on our schools without adequate funding, it is another unfunded Federal mandate, and we are short $6.15 billion this year.

Our educators, I talked to all of our school superintendents in our districts. We have some of the best schools in the whole country in my district, but they said, unanimously, we can do the job of educating our children, but we cannot do it without the resources when additional requirements are put on us.

That is what this is about. This is not about blinking. This is not about blinking. This is about educating our children and a promise made and a promise we are about to break again.

As the gentleman from Maine said, 48 of the 50 States right now are in a precarious financial position. They do not have additional money for funding. In fact, the Kansas Legislature this year was struggling to find adequate money for education in our State. And now we are talking about another unfunded Federal mandate.

It should not happen. If we do this, shame on us. If we do this, we are not taking care of the resources that we proclaim so often here are important to us, and those are our children. Our children are our future. We owe them the promise that we made to them and to our educators. They can do the job of educating children, if they have the resources.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce for yielding me time, and I have a great deal of respect for the gentleman from Maine, but the basic underlying concept of this amendment is very dangerous.

No Child Left Behind was a very difficult act to pass. Each of our States has worked extraordinarily hard in the last year and a half in order to comply with No Child Left Behind. The Secretary of Education has certified that each of the States is now ready to deal with this. In each of our States, tests have been prepared. For the most part, they are starting to be given. Assessments are being made, standards are being set, we are beginning to move up education.

I can tell you my State, which is the State of Delaware, which has been doing this for quite a long time, even before this, our test scores are starting to move up rapidly, we believe, as a result of setting standards and assessments and having testing in place, and I think to suspend it would be a sad error.

But there is another component to all of this. If you look back over the funding of education, and I give a tremendous amount of credit to the Chair of this appropriations subcommittee as well as the ranking member, who certainly played a major role in what we are doing in helping education funding, you will see that nothing has increased in spending the way education has in the last 6 years or so.

From fiscal year 1996, we have doubled funding for education at the Federal Government level. Just this year, we are going to put into IDEA an extra $1 billion. This is important, because that basically frees up State and local dollars. That is money in which the amount is not necessarily the increase that is needed, but the Federal share of it is increasing dramatically because we have stepped forward to do that.

We are putting $769 million more into Title I dealing with the same children who are so very important for No Child Left Behind. So we have funded education in a way it has never been funded before.

For all these reasons, because No Child Left Behind should be left in place, it is an amendment that should be defeated.

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

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a former Member of the Committee on Education and the Workforce.

Mr. CUNNINGHAM. Mr. Chairman, I commend my colleagues from both sides of the aisle. Special education is a very critical and very difficult issue to deal with, both with the schools and the parent groups themselves.

I would tell the gentleman from Kansas (Mr. MOORE) that Alan Bursin is the Superintendent of San Diego City Schools, and the number one issue and number one problem for him is the cottage organization of lawyers that have browbeaten the schools and take the money out of it.

I capped lawyer fees in the D.C. committee. In one year we saved $12 million. That is here in Washington, D.C. That is $12 million that went into special education, went to help teachers, went into buy technology, instead of going into lawyers' pockets. That is an area we can work together to enhance this.

At no time have we ever financed or appropriated 40 percent of the total dollars. You know what it would cost. It is a political issue, but it is difficult. We went from 6 up to 18, almost 19 percent currently, and we need to put more in there.

Another issue that we have in California, Governor Davis has taken our IDEA money and is spending the State money and using the Federal money to drive the engine. Instead of an enhanced program, it is lower. It is an area we can work strongly together in that I think all of us are dedicated toward, but it is difficult.

Mr. ALLEN. 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 Maine for yielding me time.

Mr. Chairman, when the majority in this House became the majority in this House, one of the first things that it brought to the floor was the idea of a Federal mandate-Federal pay rule and statute, and it passed with great enthusiasm from the other side of the aisle and from some of us on this side of the aisle.

Several years later, the majority and the minority working together passed the No Child Left Behind Act. It contains many mandates on schools around our country. Three of the most important ones are these:

Third-graders through eighth-graders in every school and every town in the country are going to be tested every year on various subjects. That is mandated.

Another mandate is that by the 2005–2006 school year, every classroom must have a highly qualified teacher in that classroom teaching in field. Mandated.

Another important mandate is that if a school fails to meet what is called adequate yearly progress, we are responsible for coming up with tutors and remedial programs, after-school programs, various tools to help those children learn. Mandated. Wise.

Another important mandate is that paraprofessionals must have at least an associate's degree or the equivalent thereof by some date certain, which will require a significant investment in the training and education of paraprofessionals. Mandated.

I support these standards and these improvements. I commend the majority and the President for writing them into the law. But the deal on No Child Left Behind was that if we are going to mandate these requirements, we would pay for them. The bill that is on the floor, by my count, is about $8 billion short of meeting those mandates.

What does this mean?

□ 1600

It means higher local school taxes around this country. In my State, it means higher property taxes to meet these mandates, number one. Number two, it means cuts in other services, because school districts with finite resources that must test these children every year, that must train teachers, that must train paraprofessionals, that must meet these other mandates are

not going to have an endless well of tax dollars from which they can go back and raise this money. So they are going to cut other programs, whether it is the school band or the preschool program or guidance counselors or what have you. That was not the agreement on No Child Left Behind.

The Allen amendment is very clear, and it is very wise. It says to this body, when you honor the agreement of No Child Left Behind, then the mandates will kick in. But if you dishonor that agreement, then they will not.

Now, if this were 1995, I would think that proposal would come from the other side of the aisle, because we heard it ad nauseam on environmental regulations, on land use regulations, on all kinds of things. The gentleman's principle is exactly right. We ought to support his amendment.

I would say to my federalist friends on the other side of the aisle, here is your chance to stand for the principles of local control and federalism.

I urge the adoption of the amendment.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. MOORE) for a response to the preceding statements.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to respond just very briefly to the statement made by the gentleman from California. I am glad that we are up to 18 percent of the 40 percent that Congress promised 27 years ago for IDEA funding. I am glad we are up to 18 percent. That means we are 22 percent short; 22 percent short 27 years later. That is shameful. And we are starting to do the same thing again here.

I voted for the No Child Left Behind Act. I believe it can work and should work, if adequate resources are devoted. But if not, it is another unfunded Federal mandate. Shame on all of us if we do that this time.

Mr. BOEHNER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would say that a lot of us have fought for an increase in IDEA money, I say to the gentleman from Kansas. I would also say I have given my colleagues one way in which we can provide more money for IDEA. The largest group of teachers leaving education is in special education because they are spending so much time in paperwork, so much time in court, that they are leaving the profession. These are dedicated people. If we want to cap lawyer fees, then we can get up to four times the amount of money into special education.

Mr. ALLEN. Mr. Chairman, I yield the balance of our time to the distinguished Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership and that of the gentleman from Kansas (Mr. MOORE) for bringing this very important amendment to the floor.

Because indeed, I say to my colleagues, this amendment presents this Chamber with a moment of truth, a moment of truth as to whether this Congress is honest about its commitment to education, whether or not it will honor its promise to America's children contained in the Leave No Child Behind Act, and whether it is honest about what our expectations are of those children.

When the President signed the bill, he did so signing a bill that was bipartisan, bicameral in the support that it had; and people were quite excited about the prospect of the additional resources that would go to helping children to be accountable. Republicans talk about accountability, though, while failing to provide the resources necessary for children to meet the challenge.

Mr. Chairman, I call to the attention of our colleagues this report that I and the staff of the Committee on Appropriations have put out, the Democrats on the Committee on Appropriations have put out called ''GOP Funding Bill Shortchanges America's Children By Underfunding Key Education Priorities.'' I just want to read a few provisions in this, and it will point out the tremendous need for the Allen amendment today: ''The GOP bill shortchanges Title I,'' which is the subject of the Allen-Moore amendment. ''Title I is the primary Federal program that helps school districts enrolling low-income children meet the new accountability mandates of the No Child Left Behind Act. To help raise the academic performance of these students, Congress has agreed to phase in the Title I payments.'' For fiscal year 2004, that payment would have been $18.5 billion and, yet, the GOP funding bill provides $12.35 billion. ''As a result, under the GOP bill, America's children will lose $6.15 billion in Title I grants below the amount called for'' in the No Child Left Behind bill. Over $6 billion in that one title alone, depriving children, low-income children of the opportunity to be accountable.

In addition, the bill also shortchanges children with disabilities. On April 30, the Republicans passed the IDEA reauthorization bill. It promised a $2.2 billion increase for IDEA grants in fiscal year 2004 to help local school districts educate children with disabilities. Everyone who has children with disabilities in their districts, and that would be all of us, knows the pressure on school districts to provide education and quality of access to children with disabilities. It is a very important priority for our country. Yet despite the rhetoric of the authorization bill of just April 30, the Republican IDEA bill, this bill, has less than half. Instead of $2.2 billion, it has a $1 billion increase for IDEA.

We all have heard the value of after-school learning opportunities for children, and so the No Child Left Behind bill did as well; and it authorized $1.75 billion for 2004 for after-school centers which provide safe places between 3 p.m. and 6 p.m. where children receive academic help and enrichment activities. Yet the Republican bill falls $750 million short, nearly half of the funding provided in the No Child Left Behind bill in after-school program funding below the level.

It goes on and on. In order to have quality education for our children, the No Child Left Behind bill authorized $3.3 billion for teacher-quality grants to the States which are used to provide high-quality professional development to teachers. Yet the GOP bill freezes funding at $2.9 billion. As a result, teachers will lose $350 million in teacher-quality grants below the level called for in the No Child Left Behind Act.

My colleagues get the picture. Over and over again, children, millions of children are being left behind.

As we honor our men and women in uniform, I think it is important to note that the GOP bill on the floor today leaves military dependents behind. The Impact Aid program, as we all know, helps children of military personnel receive quality education. Yet the GOP bill, under the GOP bill, America's children will lose, children of our men and women in uniform, will lose $583 million in Impact Aid below the level authorized.

The list goes on and on. One more, just for older children, is that Pell Grants for college students are frozen, even though State tuitions have increased significantly, making it more difficult for our children to get the higher education that we want them to have for their personal fulfillment and to help our economy grow.

So these are just a few of the shortcomings in the education section of the Labor, Health and Human Services, and Education bill. Others have spoken to the 2.5 percent lowest increase for the National Institutes of Health in many years. In fact, in terms of education, this bill provides the smallest percentage increase in education funds in 8 years.

So here we have these vastly increased mandates, which we all applauded, some found controversial; but with the funding, we could help the children succeed. Instead of setting up children for success, however, this bill, the Republican bill, sets our children up for a fall. And that is a tragedy. That is a tragedy.

So what the Allen-Moore amendment has set out to do is to put forth an amendment that goes only to title I in the bill; and it says, of the full funding, the $18.5 billion appropriated for title I in the bill, then the requirements would not be in place. None of the funds made available in this act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under the bill. That is really only fair. It is unfortunate, but it is fair, because these children, these

teachers, these parents, these school districts cannot possibly measure up and be accountable without the money to match the mandate that we called for in the No Child Left Behind Act.

The tragedy of it all is that this is not that much money compared to the tax breaks which are the priorities for the Republicans in this Congress. And sadly, there is not any tax break that the Republicans can come up with, no R&D tax credit at this time, which I fully support; but nothing that my colleagues can name in terms of tax cuts does more to grow the economy than the education of the American people. Early childhood education, K through 12, higher education, postgraduate education, lifetime learning for our workers. Nothing is more, to use their word, ''dynamic'' for the economy, brings more money into the economy, brings more money into the public Treasury than educating our children.

But that is only a practical matter. Let us talk about their self-fulfillment, the confidence that they have to go forward and to be leaders in our country. They are the future. They are worthy of the investment we should be making in them. But we cannot mandate accountability to our children and yet not put the money there to match the mandate.

So, Mr. Chairman, I want to commend the gentleman from Maine (Mr. ALLEN), and I want to commend the gentleman from Kansas (Mr. MOORE) for this very brilliant amendment that they have brought to the floor to test the truth of where the Republicans stand on educating our children. Is it just rhetoric, or are we ready to put up the resources to match that rhetoric?

I urge my colleagues to vote ''aye'' on the Allen-Moore amendment and to vote ''no'' on this very unfortunate legislation that is the base bill.

Mr. BOEHNER. Mr. Chairman, I yield myself the time that we have remaining.

Mr. Chairman, the amendment that we have before us is not about providing additional resources for our schools; it is about providing excuses for those who do not want to be accountable for our children to learn. To call this a No Child Left Behind unfunded mandate strikes me as strange, because this year, this year we will spend $24.2 billion of taxpayer money to help needy students around the country. And what No Child Left Behind says is that if we are going to continue to invest these massive amounts of money to help needy students, we ought to expect some results. After all, do children not deserve to learn?

As I said before, IDEA special ed funding has increased 300 percent over the last 7 years. Title I spending has increased 200 percent over the last 7 years. And if we look at the increases over the current fiscal year and the last 2 fiscal years, since President Bush took office, those increases in title I over the last 3 years were more than what we saw under 7 years of President Clinton's title I increases.

So for people to suggest that we are not meeting our obligation to our local schools, I think is not being quite fair and honest with the facts.

The fact is, since President Bush was elected, Congress has increased funding for elementary education, elementary and secondary education $13.2 billion. This is real money. So I would say to my colleagues, No Child Left Behind is the last really serious attempt that is ever going to be made to ensure that all kids get a chance at a decent education in America.

□ 1615

We have blinked. We have blinked. We have blinked. We have had excuses. We have had excuses, and we have had more excuses why we cannot educate all of our kids. And I just want to remind my colleagues of one point: It is not the child's fault whose parents they were born to or that they lost the lucky lottery of life in terms of what community they have grown up in. And I believe that we, as a society, owe them a chance at a decent education.

We know all kids can learn. The problem is that today not all kids have the opportunity to learn, and No Child Left Behind makes that commitment, and the necessary resources are there to implement the law, and we should stand up for the kids and vote against this amendment.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Maine (Mr. ALLEN).

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maine (Mr. ALLEN) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S. C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (20 U.S.C. 213) that were in effect as of July 11, 2003.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 15 minutes.

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

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

Mr. Chairman, we have agreed on the committee that we will each limit ourselves to 10 minutes in the interest of trying to get Members out of here.

Mr. Chairman, the Department of Labor is planning to change the regulations for overtime workers. They would make 1.4 million workers earning less than $22,000 a year eligible for overtime pay. That is a much needed adjustment which we support, but if the administration gets its way, an estimated 8 million workers will become ineligible for overtime because of changes in the rules. These include many of our first responders, firefighters, law enforcement officers, emergency medical technicians who will no longer be eligible for overtime pay because the Bush administration is changing the definition of who is being covered by the Fair Labor Standards Act.

This amendment would stop the administrations from making those unprecedented change to the Fair Labor Standards Act by revising the regulations. It would save overtime pay for millions of working families. I am offering the amendment on behalf of myself and the gentleman from California (Mr. GEORGE MILLER).

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

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 15 minutes.

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

Mr. Chairman, this proposal would eviscerate what the Secretary is trying to do. I think for the membership they should understand that the Secretary's rules would have given a million workers access to time and a half that do not now have it, and it would limit some of the white-collar type of workers to not getting the time and a half under the existing rules. And for this reason we think that the Secretary's rules that have been promulgated are fair because it does elevate the million people into an opportunity to make some extra money and get paid for time and a half if they have put it in. Whereas, the white-collar workers understand that that is part of the condition of the job, that they may understand they have to work some extra time and not necessarily get time and a half.

I think the rules would make management of the enterprise more effective and more efficient and would certainly be fair to everybody. Therefore, I think we should leave the Secretary's rules stand as is, rather than adopt this amendment in an attempt to second-guess what the Secretary is doing in putting these rules in place. I would urge a vote against the amendment.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, earlier this year the Bush administration initiated a process that is going to take hundreds of

millions of dollars of hard-earned pay out of the pockets of American families. For years these men and women, among them first responders like firefighters, police, nurses, emergency workers, have long qualified for overtime pay when they worked more than 40 hours a week.

For most of those men and women, that overtime pay is not spare change or for frivolous spending. It is essential family income necessary to pay the mortgage, to feed their children, to pay college education and to save for retirement. Overtime is not a luxury. It is a necessity for many American families, because tragically millions of our American families cannot survive economically on working only 40 hours a week. In fact, many workers who earn overtime derive 25 percent of their annual income from the extra hours on the job.

But what would the Bush administration do? The Bush administration wants to exclude employees from ever being eligible for overtime by playing with the definitions of eligibility. According to one study, that would take away the overtime from almost 8 million people who today are qualified. All our amendment does is say you cannot take it away from people who today are qualified. You can expand it, as the Secretary says she wants to do. You will work, but you will not get the overtime pay under this rule.

Congress did not approve it. In fact, we have not even had a hearing on the overtime rule, not a minute's worth of debate. The Republicans say they dispute the findings of the Economic Policy Institute study. Well, let us have a hearing and talk about it before we penalize millions of American families.

Now, this amendment we are debating allows us to have that review. The Obey-Miller amendment tells the Secretary not to issue any regulation that would deprive anyone of their existing overtime pay. This is an opportunity to show America where we stand. If you defend the right of people to continue to earn the wages that they have earned to avoid suffering precipitous loss in income for doing the exact same job they have been doing for years, then you will vote for this amendment.

There is a reason they are trying to cut overtime pay through the bureaucratic administrative rule instead of coming to the Congress and changing it in the open light of public debate. That is because they do not want the debate. They do not want to defend what they are doing. Today you will have to defend what the Department is doing because the Department of Labor is threatening millions of dollars worth of income to working American families. It is not enough that this administration and this House have presided over the loss of 3 million private sector jobs since 2001. It is not enough that the administration and Republican leadership in this House have forced millions of working Americans to remain in poverty by refusing to consider, even consider, raising the minimum wage. Is it not enough that they have denied unemployment compensation for millions of people who could not find jobs because of the desperate state of the economy? Is it not enough that they deny working families a fair tax cut, including the child tax credit, while showering hundreds of billions of dollars on wealthy Americans?

Now, let me ask you this: Is it really necessary now to assault even those people who still have a job today, who have a job, who are working overtime, who need the overtime pay, that they would come along now with this administrative rule to strip them, to strip them of that overtime pay when they work long hours at difficult jobs and time away from their family, and they do it at the request of their employer?

This is not this abstract case. Janice Murphy, who is an equipment specialist for the Navy's ship systems engineering in Philadelphia, 29 years of experience, but under this regulation, because she has all of that experience, she would be ruled as somebody having on-the-job training, learned professional, so she would not get overtime pay as she does today.

Diane Flock, a nurse at Florida Medical Center in Ft. Lauderdale, talks about how she organizes the nurses at the Florida Medical Center because they would be denied overtime because they would be defined out of it. Now, she has been a nurse there for many years, but she has organized the other nurses, and she has petitioned the Congress to have a debate on this matter, and that is what we are doing.

I would urge Members to support the Miller-Obey amendment.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, we have known for years that the Fair Labor Standards Act regulations governing overtime are confusing and out of date. Moreover, millions of low-wage workers who should be earning overtime pay currently are not. Now, these regulations which have not been substantially changed in 54 years are complex, confusing, and make it next to impossible for workers to know whether they are entitled to overtime, for employers to know how to pay their employees, and for the Labor Department to enforce these workplace regulations. They simply do not meet the needs of today's 21st century workforce.

The Department has undertaken an important effort to update these complex, decades-old regulations that define overtime exemptions for white-collar employees in the administrative, executive and professional employee classification. They should be commended for their efforts thus far.

Let us be clear. The proposed DOL regulations will provide additional protections to low-income workers and ensure that they are entitled to overtime pay. It is unacceptable that today's outdated regulations require someone earning as little as $8,060 a year to qualify as a white-collar employee and, therefore, prevent them from receiving overtime pay. The proposed changes would raise that level from $8,060 to $22,100 annually, and ensure that anyone earning less than $22,100 a year would automatically be entitled to overtime. Lower-income workers deserve these protections, and the DOL suggestions would help provide them.

These regulations would guarantee overtime to an additional 1.3 million low-wage workers, mostly women and minorities, and strengthen the protections for an additional 10.7 million workers. And for the first time in decades, 20 percent of the lowest-paid workers would be guaranteed to get overtime pay.

Now, these are proposed regulations that are under review, and the Department has reviewed and received 80,000 comments about their proposal. Any efforts to highjack this process before the Department can consider and evaluate these comments, frankly, is very premature.

Unfortunately, the amendment will only worsen the confusion of current wage and hour laws where employers, workers and even the Department of Labor simply cannot accurately determine which employees are exempt and which are not. The only winners under this amendment are the trial lawyers who have lined their pockets with their ''gotcha'' class action lawsuits.

The biggest problem to the amendment might be that the Miller-Obey amendment creates a double standard for employees and leads to fundamental unfairness: Under the amendment, two workers who do the same job would be treated differently. The employee who gets hired yesterday gets paid one rate and for the same job. The worker who gets hired tomorrow gets classified under a different system. You cannot have two people working side by side being paid and treated differently under the law, and that is what would happen under the amendment that we have before us.

Some have even attempted to paint these regulations as an attack on workers, falsely claiming that it will eliminate overtime pay, but nothing could be further from the truth. This in no way would affect the overtime rights of millions of Americans who do nonoffice emergency work.

Mr. Chairman, I want to suggest to my colleagues that we should oppose this amendment.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I just simply rise in very strong opposition to this amendment which basically prevents the Secretary of Labor from implementing regulations to update complex, and I do mean the word complex, and outdated, and I do mean the word outdated, wage and hour regulations

and provide additional protections to millions of this country's lower-income workers.

Numerous hearings have been held by my Subcommittee on Workforce Protections, and I mean numerous, and that has demonstrated over and over again the need for updates to the current regulations in order to meet the needs of today's workforce, not an 80-year-old workforce.

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The regulations, if adopted, will guarantee overtime to an additional 1.3 million low-wage workers, mostly women and minorities, and clarify existing overtime rights of 10.7 million workers. For the first time in decades, 20 percent of the lowest-paid workers in America would be guaranteed overtime pay. Now, if that is what my colleague calls playing with the definition of eligibility, I guess that is what we have done, because we, I think, have done the right thing for many Americans.

I support these regulations. The Secretary should be commended on a job well done and for bringing an 80-year-old law into line with the realities of today's workforce.

Some will try to say that we can have it both ways. Some will say that all we do by voting for the Obey-Miller amendment is to protect overtime for current workers, but still allow the Secretary to simplify and clarify these regulations. That is simply not true. It is just plain wrong.

The Obey and Miller amendment will only worsen the confusion of current wage and hour laws by freezing in place today's complicated and outdated system of inconsistent wage and hour laws. It should come as no surprise that in the last several years class action overtime lawsuits have become the fastest-growing category of employment litigation. The only winners under this amendment are the trial lawyers who have lined their own pockets with the ''gotcha'' class action lawsuits.

The Obey-Miller amendment does nothing to clarify the complicated and outdated rules governing overtime. In fact, I believe it makes the problem worse by creating two classes of employees, some who get overtime and some who do not, even if they are doing the same job for the same employer. Try explaining that to an employee or one of your constituents why she does not get overtime, but the employee hired the day before, doing the exact same job, does.

Nothing in these regulations affect unions, period. Nothing in these regulations affect the overtime pay of nurses, period.

Also, let me be clear, the proposed regulations do not make it easier to deny overtime to workers. I urge my colleagues to reject what I consider a distortion of misinformation, downright untruths, not, of course, by my distinguished colleagues who are bringing the amendment, but by others, that have been spread all over this town about these regulations.

Vote against this amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members that under the order of the House, the gentleman from Ohio (Mr. REGULA) has 6½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining. Under the 10-minute agreement, the gentleman from Ohio (Mr. REGULA) has 1½ minutes remaining and the right to close, and the gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say it is interesting, they talk about everything except this amendment. This amendment does nothing to prohibit the Secretary from expanding overtime to those who may not now be required, but what it does not do is it does not let the Secretary strip 8 million workers who currently get overtime of that overtime pay, including the half a million first responders that go out on Orange Alert.

Under this regulation, many of them will lose overtime for those long hours that they spend guarding the national security of this country. That is what the regulations do. That is what this amendment prevents. It does not keep anybody from expanding into overtime.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, if my colleagues wanted to make life more difficult for single mothers, for women trying to work their way through school, for women trying their hardest to scrape by for themselves and for their children, they could hardly do worse than the Labor Department's proposed rule to effectively repeal the 40 hour workweek and end overtime pay.

The rule is designed to give flexibility to companies, not to families, but flexibility to withhold rightfully earned pay from their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

For 70 years, overtime pay has been time and a half. It has kept the workweek for millions of Americans from becoming unmanageably long. It allowed the employee some flexibility to make some extra cash, and for anyone who relies on cash overtime pay, it is the only way to put a roof over their family's heads, to buy groceries and pay their medical bills. Without overtime, countless Americans would be forced to take a second job to make up for the lost earnings. It would mean more time away from their families and higher child care costs.

Supporters will tell my colleagues that in lieu of overtime pay, workers will be given compensatory time, but employers have the right to decide when or even if the worker gets the time to take his time.

It paves the way for mandatory overtime. Working women will lose control of their schedule. Any mother with a child knows, in child care, if you work late, you need to make arrangements in advance or you pay higher fees for child care. Without proper protections for these women, they can be forced by their employer to work late for longer and for less on top of having to pay more for child care and for transportation.

The administration has threatened to veto this bill should the Obey-Miller amendment be adopted. That is a fight that they cannot win, and they cannot win it because this rule reduces the quality of life for millions of American families by making them work harder and longer for less money, and the American people are not going to stand for that.

Support the Obey-Miller amendment.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, let me remind everyone, this is to protect the rights of workers and to clarify a labor law that has not been changed in 54 years, and under the amendment offered by my good friend from California (Mr. GEORGE MILLER), remember, we would create a double standard for employees. Those who do the same job, but if you were hired the day before this bill takes effect, you are grandfathered. If you are hired the day after, you are not grandfathered, and so you would have two employees sitting side by side in a cubicle doing the same identical work being treated differently under the law. I do not think that is what this Congress wants.

Mr. OBEY. Mr. Chairman, I yield 1 minute 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 for yielding me the time.

Under this rule, a person who makes $25,000 a year and works in the shoe department of a retail store who spends most of her day selling shoes, who is asked to watch two other people who also sell shoes and keep records on them, but not have the right to fire them, not have the right to supervise them, that woman making $25,000 a year will not get time and a half if the employer says she has to work more than 40 hours a week. That is wrong.

If my colleagues vote for the Obey-Miller amendment they stop that rule. The 40-hour workweek is a fundamental in this country, and we will not let you stop it.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, right now the Bush administration is in the process of promulgating regulations that would strip overtime pay for many of America's first responders.

Yes, after talking tough and continually stating that this White House and Republican Party supports America's first responders, the Bush administration and the Republicans are trying to pass into law regulations that will deprive millions of Americans, including police and firefighters who receive time and a half for that overtime work today, less money for their jobs protecting us.

No one enters law enforcement or becomes a firefighter for the money, but this proposal by my colleagues would suggest so. As a Congressman from New York City whose district overlooks Manhattan, as someone who is the son of a police officer, the cousin of several firefighters, and whose spouse is a nurse, I know firsthand the needs of our first responders in protecting our country from terrorist attacks and keeping us safe.

This bill continues this administration's and this Congress' past record of shortchanging cops and firefighters while pretending to stand with them. But do not listen to me or the Democrats or the Republicans or the White House. Ask your local first responders if they think they are overpaid and underworked. Did they ask for this bill? I do not think so.

If you think they are, if you think your cops and your firefighters are lazy and overpaid, oppose the Obey-Miller amendment. I do not think they are. I will wholeheartedly support this amendment.

Mr. OBEY. Mr. Chairman, how much time do we have remaining under the reduced time for each side?

The CHAIRMAN pro tempore. Under the agreement, the gentleman from Wisconsin (Mr. OBEY) has ½ minute remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield the remaining time to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, let me just say, once again, the gentleman from Ohio tried to suggest that this is going to create two classes of people. This just protects everybody who gets overtime today gets overtime tomorrow.

They say if you get hired tomorrow, well, let me tell you in the Bush economy, nobody is getting hired tomorrow. People are getting laid off tomorrow. Okay. They are not getting hired, so that is not an issue.

Secondly, let me say for first responders, you are talking about people from homicide detectives, you are talking about EMT, the people we expect to respond to these sites, to firefighters. So many first responders wrote objecting to this amendment that the Department of Labor sent out a letter and said, that is not our intent. They said, then exempt us from the regulation. They said we will not do that. So it is not their intent to include them, but they will not take them out of it. You are talking about half a million first responders who will go out on Code Orange and will get no protection of overtime pay.

Your party, your choice, your vote.

Mr. REGULA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Mr. Chairman, I submit to the RECORD some information from the National Federation of Independent Business relating to a poll that they conducted and some thoughts and opinions from their members on this issue.

Mr. Chairman, I rise today in strong support of what the Department of Labor is trying to do on Section 541 overtime regulations. There is a lot of confusion in the employer community right now on how to deal with employee overtime, in large part because these regulations were last revised in 1954.

I would like to share with my colleagues some very important survey data that makes the point that employers are confused with overtime regulations. Last month the National Federation of Independent Business Research Foundation released fresh data from their National Economic Poll in which they asked 750 small businesses:

''How do you determine if a specific employee who works more than 40 hours per week should receive overtime pay? Do you . . .

Follow common industry practice—19.3 percent.

Classify each job by occupation and earnings (the legally correct way)—5.9 percent.

Make only hourly-wage employees eligible—18.9 percent.

Make only low-paid employees eligible—0.3 percent.

Make everyone but management employees eligible—8.1 percent.

No employees work overtime—33.5 percent.

Everyone who works overtime is eligible—11.2 percent.

Didn't know—2.9 percent.

Mr. Chairman, this survey sheds critical light on the views of small business owners—this proves that small business owners don't really know how to properly classify their employees for overtime purposes.

It's time to simplify the regulations. It's time to vote ''no'' on the amendment and let the rulemaking process move forward.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I would only say to my colleagues I think we need to reject this amendment. It is premature. These are proposed regulations. There is plenty of time for comment, and it is a recognition on the part of the Department of Labor that the 1 million low-paid workers today that have no opportunity to get time and a half will have that opportunity, and therefore, I would want this amendment rejected to give them that kind of a chance.

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

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

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

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order 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 Wisconsin (Mr. OBEY) will be postponed.

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I rise to ask the chairman to engage with me in a colloquy.

I am pleased to have worked with the gentleman on the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education and Related Agencies for the last number of years. I appreciate his support for and commitment to programs that benefit historically black health profession schools.

I understand that this year there are significant challenges facing the subcommittee. However, I want to note two priorities that I am working to establish. The first is regarding the establishment of demonstration projects between community health centers and minority health professions schools for the purpose of health status disparities research and data collection, through the community access program.

Community health centers have the potential to serve as valuable resources in biomedical and behavioral research aimed at reducing health status disparities among minority and medically underserved populations. Such demonstration projects were authorized in the Health Care Safety Net Amendments of 2002.

The second is encouraging the National Center for Research Resources to give priority consideration to supporting extramural facilities construction projects at historically minority institutions which have developed a comprehensive plan to address the disproportionate impact of cancer in minority communities.

I have been working with Charles R. Drew University of Medicine and Science in Los Angeles to ensure that resources are there to establish a center focused on care for minority cancer patients and research.

Mr. Chairman, as we work towards the final passage of the fiscal year 2004

Labor, Health and Human Services and Education bill, I ask that the gentleman work with me to ensure that we can support these two priorities.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I, too, am pleased to have worked with my colleague as a member of our Subcommittee on Labor, Health and Human Services, Education and Related Agencies. The programs that support historically black health professions schools are essential in eliminating health status disparities among minorities and underserved populations.

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I will be sure to keep these priorities in mind as we work to finalize the fiscal year 2004 Labor, Health and Human Services, and Education bill and will work with the gentleman to see how we can accommodate these priorities. I appreciate the gentleman notifying me of his concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Obey/Miller Amendment to save overtime pay for millions of hardworking Americans. I will vote for this amendment on behalf of my constituents and the millions of people who work so hard to earn overtime wages in order to provide for themselves and their families.

During this Administration, we have witnessed months of tough economic times for American families. We have seen the unemployment rate climb ever higher. We have watched millions of American families slide into poverty. Currently, we see millions of children and seniors go without the basic health care and medicine they deserve. This Administration has led the country backward into financial pain rather than forward into prosperity. That does not seem to be bad enough for the Republicans so they have gone still further to take away overtime pay of those who need it most. The Obey/Miller amendment seeks to remedy that wrong, at least in part.

Sadly, through draft regulations recently issued by the Labor Department, Republicans want to cut the overtime wages of as many as 8 million Americans. It is vital to note that thousands of first responders will be hurt by those regulations. That includes emergency medical technicians, police, firefighters, nurses, and others. This is our opportunity to save overtime pay for millions of our constituents because the Obey/Miller amendment will prohibit the Department of Labor from using funds to enforce any regulation that would cut overtime pay.

To be certain, overtime pay is not money that most families use to pay for extras such as luxury items or lavish vacations. Whatever they choose to use the money for, Mr. Chairman, it is certainly money that they have earned and deserve to receive in their paychecks. For many mothers and fathers, grandfathers and grandmothers, and other people who are responsible for the care of children, overtime pay is the money used to put food on the table and clothes on the backs of those children.

In my district, many workers earn over 25% their annual income from their over time pay. In order to earn that pay, they spend many hours away from their homes and families. the Obey/Miller amendment will help to ensure that theirs is not simply a sacrifice that enriches their employers while doing nothing for themselves. It will help ensure that America's workers receive that to which they are entitled.

I will vote in favor of the Obey/Miller amendment and I ask that my colleagues on both sides of the aisle join me in doing so. We should show bipartisan support and pass this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey/Miller Amendment, which would protect millions of workers from losing their overtime pay.

If the Bush Administration's proposed changes take effect, 79 percent of the workers in this country will lose their guaranteed right to overtime pay, 79% (8 out of every 10 workers). This is not just bad policy, it's piracy. It is a slap in the face to any effort for economic recovery. Mr. Speaker, how many CEO's do you know who would work without their pay?

Under the Bush Administration's proposal, workers will be working the same long hours they now work—in fact, probably longer hours, without overtime compensation. That's why the Obey/Miller Amendment ensures that ''no'' public funds can be used to take away the overtime rights of workers.

It is tough enough on families that are forced to spend long hours away from their families to earn a living, and commute long distances, now under this bill they won't even be compensated for their extra time. Join me in voting for this amendment to make certain that workers and families are not shortchanged by the Bush policies.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Obey-Miller amendment.

Mr. Chairman, overtime pay, strict regulations on child labor, occupational safety standards, and employee training are the nuts and bolts of our Nation's labor laws.

Yet, since day one, this administration has worked little by little, step by step, to unravel our gold standard protections.

First, the Department of Labor passed on the opportunity to institute strong ergonomics standards and, instead, chose to implement weak guidelines—leaving many to continue working under egregious, unsafe conditions.

The administration has repeatedly submitted budgets that have not provided Department of Labor programs with inflationary increases. In turn, many of our safety enforcement programs and worker protection efforts have been diminished.

And now, the administration is attempting to strip precious dollars from those who are working the hardest, the longest, and in careers that are notoriously underpaid and often understaffed, including licensed practical nurses, EMTs, air traffic controllers, social workers, occupational therapists, physical therapists, health technicians, and paralegals.

My colleagues, this proposal would have real consequences for the millions of hardworking Americans already working to send their children to college, the millions of Americans trying to buy a home, and the millions of Americans trying to save for retirement.

In New York, everywhere I go, town supervisors, city mayors, and local leaders are discussing massive tax increases. All around the country, colleges, and universities are substantially raising tuitions. The reality is—Americans are already feeling squeezed. Let's not make it worse by sending them home with a blank check.

Vote ''yes'' on the Obey-Miller amendment.

Ms. WATERS. Mr. Chairman, I rise in support of the Obey/Miller Amendment.

Since this Administration has taken office, over 3 million people have lost their jobs; the unemployment rate is at its highest levels in 9 years. Yet to add insult to injury, the Administration is now proposing a regulation that would cut overtime wages to as many as 8 million Americans.

I urge my colleagues to support the Obey/Miller amendment which would prohibit the Department of Labor from using funds to carry out this appalling regulation. Too many Americans depend on overtime pay in order to make ends meet. We must not take it away from them.

This Administration has no shame. They continue to push their ''Big Business/Special Interest'' agenda at the expense of the working Americans that make this country great. Perhaps this helps explain why this bill is lacking adequate funding for so many programs that Americans depend on.

The Chairman and Ranking Member have worked to craft the best bill possible with the terrible cards they were dealt by the unfair and irresponsible Republican Budget Resolution. But the truth of the matter is, the President and the Republican leadership have decided that tax cuts for the few are more important than programs for the many.

They decided that to provide an average of $88,000 in tax cuts for those earning $1 million or more is more important than increasing enrollment in Head Start, increasing Pell Grants, fighting the AIDS virus, funding medical research adequately or a host of other important programs.

Time will not permit me to discuss all of the many problems with this bill, such as the inadequate funding for the NIH and for the Social Security Administration to process claims from retirees, so I'll just focus my comments on one problem: the immoral neglect of the Head Start program.

Mr. Chairman, additional funding for Head Start should be a ''no-brainer. There are few, if any, programs that have the success rate of Head Start. Government reports, early childhood experts, teachers and most important families all recognize the magnificent results Head Start has produced.

There are many keys to the program's success; from the small child staff ratios, to the nutritious meals the children receive each day, or the doctor visits that each child is afforded. However, one of the most important factors in Head Start's success is the way that the child's parents are included in the educational process. We all know that parents are children's most important teachers and involving parents in their children's education is strongly related to children's achievement in school. Head Start capitalizes on that relationship.

The only thing that is holding the Head Start program back today is the lack of funding. Today, only 60 percent of eligible students are able to enroll in Head Start; only 4 percent of eligible Early Head Start and 19 percent of the eligible Migrant and Seasonal Head Start of children are enrolled. This is much too low. Thousands of children are waiting on the sidelines, waiting to benefit from Head Start. We should make every effort to allow these children to enroll.

Yet, look at how this bill treats Head Start. The President asked for an increase for Head Start of only $140 million. This bill provides a $148 million increase. Mr. Chairman, the $148 million increase is not even enough to keep pace with inflation. It certainly is not enough to sign up new children in the program. Nor, will this paltry increase enable Head Start to ensure that its teachers and volunteers are properly trained.

Mr. Chairman, in today's economy, education is the key to success. The sooner that we get children excited about learning the better off they will be. Head Start has an exceptional track record of success in getting children excited about learning.

Mr. Chairman, I urge my colleagues to support Head Start. It works. We must provide the funding that it deserves and needs to extend its benefit to all eligible children. We can and must do better than this inadequate bill.

I urge my colleagues, for the sake of our children, our families, our seniors, our working people, to vote yes on the Obey/Miller amendment to protect workers' overtime pay and then vote no on this bad bill.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, Mr. OBEY and Mr. MILLER, which will block the Department of Labor from pursuing its plan to overhaul our overtime pay laws—at the expense of 8 million workers. Under these draft regulations, millions of workers who receive time and a half for their overtime work today will be required to work longer hours for less money.

The implications of this measure on working families that have long depended upon overtime work to make ends meet would be devastating. In fact, according to 2000 Census figures, workers who receive overtime pay report that it accounts for a quarter of their total take-home pay. Try telling these workers that enactment of these regulations wouldn't result in a pay cut!

Under these regulations, mid-level office workers, lower-level supervisors, licensed practical nurses, EMTs, cooks, secretaries, dental hygienists, air traffic controllers, social workers, administrative support, engineering technicians, planners, and paralegals could all find themselves categorized as ''white collar'' employees. Now, does that sound right?

With unemployment at its highest level in almost a decade and far too many of my constituents telling me that they live in fear that their jobs may be next, why, on earth, is the Department of Labor launching this new attack on America's workers?

First proposed in March, the proposed regulations would reclassify millions of workers as ''managers,'' rendering them ineligible for overtime pay. During the comment period on the proposed rule change, one hundred Members of this body wrote to the Labor Department, urging that these proposed changes be dropped.

In as much as the Labor Department intends to move forward with these rules, despite the public outcry and the strong congressional objections, it looks like this body is going to have to use its ''power of the purse'' and put an end to this ill-conceived effort.

Mr. Chairman, the Department of Labor seems intent on picking up where the House Leadership left off. These rules are—quite simply—an insult to the working people of America.

Mr. Chairman, after the de facto defeat of the so-called ''Family Flexibility Act'' last month, it appears that the Department of Labor now plans to strip our overtime rules, on its own, without congressional involvement.

We have the opportunity today to tell the Department of Labor that this body will not stand for backdoor attempts at fundamentally undermining key labor laws. The economic security of far too many American families hangs in the balance.

Therefore, Mr. Chairman, I urge my colleagues to join me and vote in favor of the Obey-Miller amendment.

Ms. SOLIS. Mr. Chairman, I rise in strong support of the Obey/Miller amendment.

It baffles me that at a time when our economy is reeling that the Bush Administration would want to weaken the protections of workers fortunate enough to still be employed. Over 9 million Americans are currently unemployed. Unemployment in my district, in East Los Angeles and the San Gabriel Valley, is almost 10% in some areas. Why then would we want to cut pay for those workers that have jobs?

Under President Bush's proposal, millions of workers who now enjoy overtime protection would no longer qualify for overtime pay. The changes would impact police, firefighters, nurses, retail managers, and many others. It would impact many of my constituents, who have contacted me because they don't want a pay cut.

Make no mistake about it. The proposed changes to our overtime regulations will mean a huge pay cut for these workers. It will mean longer hours with less pay.

I urge my colleagues to oppose paycuts for American workers and support the Obey-Miller amendment.

Ms. MCCOLLUM. Mr. Chairman, I rise in strong support of the Obey-Miller Amendment.

Congress must protect the economic security of the workingmen and women who keep our nation safe and prosperous.

I've punched a time clock.

I've worked in retail sales to help support my family.

I know what it is like for families to rely on overtime to pay for their children's college fund or repairs on their homes.

America's hard workingmen and women deserve our support.

But this administration instead wants to deliberately cut the overtime pay of 8 million Americans.

Under the Bush Administration's rules, working people, including police officers, firefighters, and nurses will lose overtime compensation—as much as 25 percent of their salaries.

This cruel attack on working families demonstrates the true compassionate conservative values of this administration—tax cuts for the wealthy and salary cuts for working people.

Today, Congress must protect the economic security of our working families.

Support the Obey-Miller amendment today.

Mr. KUCINICH. Mr. Chairman, it's been a very tough year for the American worker. Astonishingly, it appears the Administration is attempting to make things even tougher. Already, the Administration is presiding over the highest unemployment rate since April, 1994. Already the median unemployment duration of 12.3 weeks is the greatest length it has been since July of 1967. And already, 3.1 million private sector jobs have vanished since the recession began in March 2001.

The Administration's three pronged response to this jobs crisis has been to allow millions of working Americans to remain in poverty by refusing to raise the minimum wage, to deny unemployment benefits to millions of Americans who have exhausted their benefits because of the severity of this recession, and to provide hundreds of billions of dollars in tax giveaways for the richest Americans.

As if all of this was not enough, the Administration now seems intent on literally picking the pockets of workers. First we saw an attempt to give workers a pay cut by giving them comp time instead of overtime. The real meaning of comp time, of course, is unpaid time off—at the employer's discretion. Now through administrative action and without the input of elected representatives, the Administration seeks to enact the most significant change to overtime rules since the Fair Labor Standards Act was passed in 1938.

The result of these changes is that least 8 million workers will no longer be eligible for overtime. Among the unlucky 8 million are paramedics, firefighters, air traffic controllers, social workers, and architects. In 2000 overtime pay accounted for about 25 percent of the income for these workers. Their families will not have much less money to pay the bills, while their employers will have a great incentive to make them work longer hours.

The Obey-Miller amendment will stop the rollback of overtime pay. Obey-Miller will protect the wages of America's working people. Stop the legalized pick-pocketing of America's workers by the Administration's attack on overtime pay for overtime work. Vote for the Obey-Miller amendment.

AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOOMEY:

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 R01HD043689, R03HD039206, R01DA013896, or R01MH065871.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

MODIFICATION TO AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. TOOMEY:

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 R01HD39789 at the National Institutes of Health.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Pennsylvania?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment, as modified offered by Mr. TOOMEY:

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 R01HD043689 R03HD039206, R01DA013896, or R01MH065871.

SEC. __. None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

Mr. TOOMEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I think all of us in this Chamber have been faced with the painful visits in our offices from constituents who come to us with a heart-rending story of a member of their family, often a child, who is suffering from a terrible and debilitating disease, perhaps a fatal disease, perhaps a disease for which there is no cure; and they come to us asking for some help, asking for resources to provide for the research that might find a cure. And nobody has heard more of these heart-rending and compelling stories than the distinguished chairman of this committee. I know he has devoted enormous amounts of time and effort to making sure the resources are there to help to try to find cures where it is possible.

I think we have all embraced the idea of significant increases in funding for NIH, I have, and I think that is a bipartisan agreement. And we are all proud that we have doubled funding for NIH over 5 years. But what this amendment is about is trying to find a little bit more hope for a few more families. My amendment does not cut a dime of funding for NIH. What it does do is it would require the NIH to reprogram the money that is going to a few grants which we think are just much less worthy of taxpayer funding than the kind of research the NIH is generally doing to cure these devastating diseases.

Now, one of these is a research project that the gentleman from Indiana is going to discuss, but I want to mention the four that my amendment would specifically exclude and forbid further funding from. These are projects, grants that are under way now and have already been funded by the NIH in the past, and we would, with this amendment, shut off further funding for.

One of them is a study on the sexual habits of older men. A second is a study on San Francisco's Asian prostitutes and masseuses. A third one is a study on mood arousal and sexual risk-taking. And let me just share with my colleagues a highly sanitized and abbreviated summary of their grant application. If I actually read the whole thing, I suspect I would be admonished for the language I would be using on the House floor, so I will read just a little summary.

This is a proposal, which says: ''In a series of laboratory studies, mood and sexual arousal will be induced and then their individual and combined effects on sexual risk-taking will be examined.'' Those are not my words. Those are the words of the applicant for the grants.

There is another study on American Indian transgender research. The proposal, which is based on the proposition that American Indian and Alaskan native lesbian, gay, bisexual, transgender, and too-spirited individuals are a drastically understudied and underserved group.

Mr. Chairman, I ask my colleagues, who thinks this stuff up? And, worse, who decides to actually fund these sorts of things? Well, unfortunately, the NIH has done so. These are the exceptions, and not the rule. This is not a general criticism of the NIH. But the point is these are not applications that are worthy of taxpayer funds.

And let me make the point that there is nobody here that I know of that is saying we should ban this sort of research. If they want to do this sort of research, we need to fund this privately and not with taxpayer dollars. I simply want to make the point that there are so many far more important, very real diseases that are affecting real people; and that is what this kind of money could be used for, would be used for.

We leave it to the NIH to decide how to reprogram this. And as for those who suggest that we should not interfere with the process by which the NIH decides how to allocate their funds, let me strongly disagree. We have an affirmative obligation in this Congress, as the body that controls the pursestrings of the Federal Government, to supervise and provide oversight. And when a bureaucracy is making mistakes, we have an obligation to come here and correct that. That is all we are saying.

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

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition to this amendment, and I yield myself such time as I may consume.

These amendments have been picked out of a database that contains a single paragraph on each of 40,000 grants that NIH supports. Now, keep in mind that that represents a winnowing down from perhaps 120,000 applications. How do they pick the one out of three that will be funded? The NIH has an elaborate two-tiered peer review process that is mandated by the Public Health Service Act. Outside review panels of distinguished scientists from universities nationwide gather to review each application, which can easily run on to several hundred pages.

I think to pass judgment on these, you would have to read the several hundred pages to know what the ultimate goal is, rather than one paragraph. Then these recommendations are reviewed by advisory councils comprised of scientists and members of the public whose nominations are cleared through the Department.

NIH only funds about 30 percent, as I mentioned; and we can be confident that they are very careful because there are so many good objectives in the form of requests. They go through these very, very carefully with top-flight people to ensure that there is a worthy objective to be achieved in doing the research in question.

If Members are concerned about NIH funding in certain issue areas, I think they should urge the authorizing committees to review this as they consider the reauthorization of NIH, and that will be coming up. I know that the Committee on Energy and Commerce has been doing an extensive review of NIH actions across a number of areas in preparation for a reauthorization, and I would suggest to my colleagues this would be the appropriate place to bring up their objections to the process that is presently used by NIH because in the reauthorization action they can address what they feel might be a shortcoming.

I strongly urge the Members to resist the temptation to select a few grants for defunding because they do not like the sound of them based on one paragraph out of what probably was a number of pages of information. It would set a dangerous precedent and put a chill on medical research if we start to micromanage individual NIH grants.

This has worked well over the years. We have had enormous progress because of these grants in achieving medical knowledge and giving the public a better health care system. I do not think this body, this committee, wants to get into the process of reviewing 120,000 grants and trying to pick 40,000 out of that group for funding.

I strongly urge the Members to reject this amendment; and I urge my colleagues to take this issue to the proper committee, the Committee on Energy and Commerce, and if they feel that NIH needs to have its processes reformed, then that is the place to do it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida, the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me; and in the interest of time, I am not going to repeat some of the arguments. The gentleman has made a very persuasive argument, and I associate myself with those remarks.

The chairman is right on target, and I just think that this would be a mischievous amendment and hope that we can defeat the amendment.

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

Mr. TOOMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. CHOCOLA), the cosponsor of this amendment.

Mr. CHOCOLA. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate his remarks and would like to associate myself with his earlier remarks.

With all due respect to the distinguished chairman and to the peer review process, I think this amendment is relatively simple. It lives up to our responsibility that we are really sent here to do, and that is to be a good steward of taxpayer dollars.

Now, not only does the appropriations fund grants that the gentleman from Pennsylvania (Mr. TOOMEY) mentioned, it also funds a grant that studies human linkages with the panda reserve in China. Now, I do not think I am going out on a limb to say that no one in the Second Congressional District of Indiana is going to benefit from this study. I doubt I am taking too much of a risk to say no one in any congressional district in America is going to benefit from this study.

Mr. Chairman, I come from a business background, and I am a new Member of Congress; but when someone in our company wanted to spend money, we had to take the ultimate responsibility. And although the peer review process is probably pretty good, there comes a time when you have to say no, when you have to say this money is not spent in the best interest of the American people.

Since I do not know that we can identify people who benefit from this taxpayer money being spent on these grants, I do know, as the gentleman from Pennsylvania pointed out, the people in my district have juvenile diabetes, they have cancer, they have AIDS, they have horrible diseases like Crohn's, and that is what we should be spending NIH money on. We should be eradicating these horrible diseases that ruin families, ruin individual lives rather than grants that really benefit no one that we can identify.

So I urge my colleagues to adopt this amendment.

Mr. TOOMEY. Mr. Chairman, may I inquire as to who closes in this process.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has the right to close.

Mr. TOOMEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time, and with all deference to the distinguished chairmen who have spoken here, I think that we do need to speak out at this point.

I have been concerned about this for a while. I sent a letter recently to NIH asking that they explain their decision to fund a study that is not covered here, it is another study, that paid women to watch pornography and to study arousal. The letter I received back was interesting. The NIH said, ''The research methods used in the grant were scientifically established and met ethical research standards.''

Now, I do not doubt that at all; but that is not the standard that we ought to employ here. The standard we ought to employ here is, is this a proper use of taxpayer funds, and I think on that level it surely fails.

I do not know how in the world, when we do not have enough money to fund things like the reaction of children to vaccines for childhood autism, that is one request that was actually denied because NIH came back and said we do not have sufficient money to do that, that is a serious disease affecting a lot of people. So we do not have enough money to do that; but then, in turn, we have enough money to fund a study to pay women to watch pornography. I think that is wrong.

The chairman noted there is peer review. Certainly there is. Again, the question we need to have answered is not whether this is scientifically based or reviewed, but is it proper for the taxpayers to fund. I would suggest that there is a lot of funding available out there from people like Larry Flint or others, but we should not be asking the American taxpayer to fund this kind of thing.

□ 1700

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly stand opposed to this amendment, but I understand why my colleagues want it. I do not think there is a thing in there I would support if asked to support, but I will say that I have hundreds of doctors and hospitals come to me every single day and ask me to direct NIH to do this or that. I personally believe that things and discoveries should be left up to NIH, that when something is close to helping, we should allow them to do that.

But once we get into politicians, which we all are, directing what NIH does, it is not what you are trying to eliminate, it is the whole broad perspective of what we could do in the long run. In the past, many of the diseases were politicized, and funding was taken totally away from others, and I want to stay away from that. I think it is a bad precedent, not on the gentleman's issue, but on the precedent of directing NIH. I reluctantly oppose the amendment.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, years ago Senator Proxmire from my State used to have the Golden Fleece Awards. He was a good friend of mine. One year he made a whole lot of fun of a study on Polish pigs. They had a field day with it. Funny name, strange-sounding grant. Well, guess what? That study led to the development of a new blood pressure medicine which millions of people use today. The know-nothings in the Congress at that time would have eliminated that study. I do not think that would have been a good outcome.

I have served on the subcommittee that deals with NIH for a long time, and the one thing I came to understand very quickly is that the day that we politicize NIH research, the day we decide which grants are going to be approved on the basis of a 10-minute horseback debate in the House of Representatives with 434 of the 435 Members in this place who do not even know what the grant is, that is the day we will ruin science research in this country. We have no business making political judgments about those kinds of issues.

I would ask the following questions of the gentlemen who are offering this amendment: Can they tell me what score each of the grants received in the peer review process? Can they tell me who is on the peer review committee that takes a look at each of these in the study circles? Do you have objection to any of the persons who are on those study sections? I think the gentlemen have an obligation to answer those questions if they are going to bring something like this to the floor with no notice and no understanding of what these grants do.

Now, I would say that I do not have any idea what these grants do. I can imagine, though, that perhaps this study on so-called sexual arousal, that perhaps it is one way of trying to determine how you prevent child molestation or rape. I can also imagine with respect to the longitudinal study on sexual behavior of old men, NIH says this: ''Without a better understanding of age-related changes in men's sexual functions, physicians may assume that declines in function are normal when they actually reflect early symptoms of disease such as diabetes and heart disease.''

With respect to the study that relates to intervention for drug-using women sex workers, let us say you do not have any sympathy at all for the sex workers or their partners. I am concerned about the innocent partners of those partners. What about the wives of persons who go to these sex workers and then wind up getting disease? I think we ought to know as much as possible how to prevent transmission of disease, and what role drug use has in that process.

So without knowing anything about these, I return to my basic principle: We have NIH for a reason; we have peer review for a reason. I would rather trust the judgment of 10 doctors sitting around a table than I would 10 politicians sitting around a table when we decide how to allocate taxpayer money for those grants.

The reason NIH is there is so none of us bring our political biases to the table, and that is the way it ought to remain.

Mr. BAIRD. Mr. Chairman, will the gentleman yield?

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

Mr. BAIRD. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman and dispute the comments of the gentleman from Indiana, and particularly the material he provided to his colleagues which said do not spend money for NIH panda research in China. In fact, the research has to do with population dynamics, the pressure on an ecosystem that supports the pandas, and the development of a population, including how those people can provide fuel and food for their children. It is a study of pandas; it is a study of human development.

There is a fundamental nexus between environmental quality, human health, and population pressures that impacts the world profoundly. The gentleman fails to recognize that and deceives his colleagues with the title of his amendment.

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

Let me say, we can read the entire application, and the projects do not sound any more compelling or any more convincing. The point is this is about priorities. There are just so many devastating diseases that are killing people every day in this country. There are many where the NIH is responsible for tremendous progress being made on so many fronts. I think we have an obligation to do as much as we can for those priorities.

Studying Asian prostitution in San Francisco massage parlors and the study of mood swings on sexual arousal does not strike me as deserving the same kind of priority as curing cancer in small children and so many other devastating diseases. That is what I think this is about.

As for the peer review process, as a general matter I completely agree with the peer review process, but I do not think that absolves us completely of our obligation to have some oversight on these issues and decide whether or not in some cases this peer review process runs amok.

That is what I think this debate is all about: Do we draw the line anywhere ever, or do we not. I think we do, I think we should on these specific grants, and I urge my colleagues to vote to adopt this amendment.

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

Mr. REGULA. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I rise reluctantly as well, but in peer review science, being in the middle of it is maybe not the place to effect change. Maybe we should set some parameters up front.

One of the studies here sounds fairly innocent. Research on pandas and their relationship sounds a little funny on its face, but when we look at it, and I can say it no better than a representative from Michigan State University, and I just want to read this, ''Perhaps at no other time in human history have the issues been so crucial as pandemics whose roots are found in animals spread across the globe: SARS, AIDS and monkeypox, to name a few. Dr. Lou's work is exactly the research needed to understand and plan for tomorrow's health issues.''

They are getting into understanding and study of how some of these diseases get transferred from animals to humans. I would argue that is very, very important work, and we ought to invest in it.

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

I urge my colleagues to vote against this amendment. We cannot start second-guessing and trying to review the work of NIH. They have very distinguished panelists, experts and scientists. They spend a lot of time on these. They have 120,000 applications. They do the best job they can, and they have been successful. I would urge my colleagues to go to the authorizing committee if they feel there should be some different procedures and bring that to their attention as they review these panel activities.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. TOOMEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. 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 offered by Mr. OBEY:

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 points 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;

(2) to the computation and application of the enhanced FMAP (described in section 2105(b) of such Act); or

(3) for any purposes other than payment to the State under title XIX of such Act.

(c) The increase in the Federal medical assistance percentage under subsection (a) shall be in addition to the increase provided under title IV of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27).

(d) In the case an increase is provided under subsection (a) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for a calendar quarter in a fiscal year, the amounts otherwise determined for such territory under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) and applicable to such quarter shall each be increased by an amount equal to ¼ of 1.9 percent of such amounts.

SEC. 602. 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 18 percent.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

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

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

Here is what this amendment is all about. At a time when high unemployment is causing many Americans to lose their jobs and their job-related health coverage, State fiscal crises are leading States to cut back health coverage, Medicaid and SCHIP programs. According to the Kaiser Commission, 49 of the 50 States have implemented or are planning to implement cutbacks in Medicaid during fiscal year 2003. It is estimated that adoption of those cutbacks will lead to the elimination of health coverage for 1.7 million people. Many of them will be children.

This amendment would simply provide a 1 percentage add-on to the Federal assistance to every State for their Medicaid programs. To receive that additional aid, States would have to refrain from any further cutbacks in eligibility for children under both Medicaid and SCHIP and restore eligibility for children to the rules that prevailed on July 1, 2001. We would pay for the amendment by simply reducing the size of the tax cut for persons who make more than $1 million a year, from $88,000 to $72,000.

So the choice is simple. If you want to keep children on the health care rolls, if you want to make sure they are not knocked off the health care rolls in order to finance supersize tax cuts for people who make more than a million dollars, you will vote for this amendment. That is what the amendment does.

Again, if the majority chooses to exercise its right to offer a point of order, then we will, instead of appealing the ruling of the Chair, we will simply ask that we strike the enacting clause so that this bill may go back to the committee so we may have an opportunity

to offer an amendment which tries to prevent children from being knocked off the health care rolls. It is that simple. I would ask for a yes vote.

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

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill; and, therefore, violates clause 2 of rule XXI.

In addition, the amendment is a tax or tariff measure and is in violation of clause 5(a) of rule XXI. Clause 2 of rule XXI states in pertinent part, ''An amendment to a general appropriation bill shall not be in order if it changes existing law.'' The amendment amends existing law. Clause 5(a) of rule XXI states in part, ''A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures, and an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.''

The amendment is clearly legislation as well as a tax or tariff provision, and is, therefore, in violation of the House rules.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I simply urge the Chairman not to insist on the point of order. If he does, I would concede the point of order and move on to the next motion I have already described.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have already explained the motion and in the interest of saving time and also striking the last word to sum up in the end, I am going to ask that Members vote to strike the enacting clause so that we can repair this bill in the manner I have just described. I hope they do that.

In the event that they do not, I am urging Members to vote no, because we do not believe that we ought to say to the country that we have room for $2 trillion in tax cuts, including an $88,000 tax cut for persons making over $1 million a year, but we do not have any room in the inn for children who need health care or need more help in Title I, for school districts who need more help on special education, and all of the others problems we have described today.

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

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the motion.

I just want to say to all Members, we are getting close to finishing up here.

□ 1715

I would urge all the Members to vote ''no'' on all of the amendments, and I would urge the Members to vote for the bill. It is fair. It is balanced. It meets the needs of the 280 million people of this Nation, and I think it is a very positive step. It is reasonable in terms of cost, and I would hope we have a strong ''yes'' vote in support of the bill and a strong ''no'' vote on all the amendments.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to thank the gentleman for the courtesies he has extended and to thank the staff on both sides of the aisle for the work they have done.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6(g) of rule XVIII, this 15-minute vote on the motion of the gentleman from Wisconsin (Mr. OBEY) will be followed by 5-minute votes on the amendments to this bill that were postponed earlier today.

The vote was taken by electronic device, and there were—ayes 197, noes 224, not voting 13, as follows:

[Roll No. 348]

AYES—197

Abercrombie
Ackerman
Alexander
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
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
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
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
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

NOES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
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
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
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)

NOT VOTING—13

Allen
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Gilchrest
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1738

Ms. HART and Messrs. DUNCAN, HEFLEY, COBLE, COLE and WICKER changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from West Virginia (Mr. RAHALL), the amendment offered by the gentleman from Maine (Mr. ALLEN), the amendment offered by the gentleman from Wisconsin (Mr. OBEY) and the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

These votes will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, not voting 12, as follows:

[Roll No. 349]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
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
Edwards
Emanuel
Emerson
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
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
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)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
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

NOES—212

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
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
English
Everett
Feeney
Ferguson
Flake
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
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
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)

NOT VOTING—12

Cox
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1747

Mr. PICKERING changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ALLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maine (Mr. ALLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 12, as follows:

[Roll No. 350]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
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
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
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)
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
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
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
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

NOES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
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.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cramer
Ehlers
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1754

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 213, not voting 12, as follows:

[Roll No. 351]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
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
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
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.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)

King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Houghton
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote No. 346, No. 347, No. 348, No. 349, No. 350, No. 351, No. 352 and No. 353. If present I would have voted ''nay'' on rollcall vote No. 352 and No. 353 and ''yea'' on rollcall vote No. 346, No. 347, No. 348, No. 349, No. 350 and No. 351.

AMENDMENT, AS MODIFIED, OFFERED BY MR. TOOMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. TOOMEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, answered ''present'' 1, not voting 11, as follows:

[Roll No. 352]

AYES—210

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
LaHood
Latham
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gilchrest
Gillmor
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (FL)

ANSWERED ''PRESENT''—1

Bereuter

NOT VOTING—11

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1818

Mr. LANGEVIN and Mr. OSE changed their vote from ''aye'' to ''no.''

Mr. TAYLOR of North Carolina, Mrs. KELLY and Mr. MCKEON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, on the Toomey-Chocola Amendment, I voted present as I have a conflict of interest on research project RD01HD039789, a project of the National Institute of Child Health and Human Development through the Department of Fisheries and Wildlife at Michigan State University.

The CHAIRMAN. The Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004''.

The CHAIRMAN. There being no further amendments in order, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. LATOURETTE, Chairman 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. 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, pursuant to House Resolution 312, he reported the bill back to the House with sundry amendments 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? If not, the Chair will put them en gros.

The amendments were 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.

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

The vote was taken by electronic device, and there were—yeas 215, nays 208, not voting 12, as follows:

[Roll No. 353]

YEAS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
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
Foley
Forbes
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
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
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—208

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
Crane
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
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
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
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
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens
Payne
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Two minutes remain in this vote.

□ 1836

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, I was unavoidably detained due to weather grounding my commercial flight. Had I been present for rollcall vote No. 353 I would have voted the following way: Rollcall vote No. 353, Final passage of H.R. 2660—"yea."

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2122, PROJECT BIOSHIELD ACT OF 2003

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

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of July 14, 2003, to grant a rule which could limit the amendment process for floor consideration of H.R. 2122, the Project BioShield Act of 2003.

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 up in room H–312 in the Capitol by 10 a.m. Tuesday morning, July 15, 2003. Members should draft their amendments to the text of the bill as reported by the Committee on Energy and Commerce on June 10, 2003.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1472.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. LEWIS of Georgia. Mr. Speaker, I wish to inquire of the leader the schedule of the House for next week.

Mr. ROGERS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Monday at 10:30 a.m. for morning hour and 12 p.m. for legislative business. We will likely consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. We will also consider the fiscal year 2004 agricultural appropriations bill on Monday. Any votes called on these measures will be rolled until 6:30 p.m.

For Tuesday and the balance of the week, we may consider additional legislation under suspension of the rules. We are also expected to consider several bills under a rule including the fiscal year 2004 through 2005 State Department authorization bill; H.R. 2122, the Project BioShield Act of 2003; the fiscal year 2004 Department of Interior appropriations bill; and H.R. 2210, the School Readiness Act of 2003.

Finally, Members should be aware that on Thursday Prime Minister Tony Blair will address a joint session of Congress at 4 p.m.

Mr. Speaker, I thank the gentleman for yielding and will be happy to answer any questions he may have.

Mr. LEWIS of Georgia. Reclaiming my time, Mr. Speaker, I thank the gentleman from Michigan for responding, but I would like to continue to yield to him to find out if next week we are bringing up the Head Start reauthorization bill, and do you expect to have an open rule on this bill.

Mr. ROGERS of Michigan. Mr. Speaker, if the gentleman will continue to yield, I would defer to the Committee on Rules, but can assure the gentleman that the gentleman from California (Mr. DREIER) and his colleagues will work hard to address the concerns Members bring to that committee.

Mr. LEWIS of Georgia. Mr. Speaker, continuing to yield and to inquire, on Medicare prescription drugs, when does the gentleman expect we will appoint conferees on this legislation?

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for continuing to yield. We hope to appoint conferees to the bill on Monday and look forward to working fast and furiously on this issue.

In fact, I believe there have already been some informal conversations across the Capitol on this issue. Having said that, we do not intend to create any artificial time lines and, instead, will work as long and as hard as we can to get the best possible project.

Mr. LEWIS of Georgia. If this does occur on Monday, as the gentleman stated, when during the day would that be scheduled? What time of day would it be scheduled?

Mr. ROGERS of Michigan. Mr. Speaker, it would most likely be after the ag appropriation bill in late afternoon.

Mr. LEWIS of Georgia. Mr. Speaker, when does the gentleman think we might see a conference report? Would it be before the August recess?

Mr. ROGERS of Michigan. Again, Mr. Speaker, if the gentleman will continue to yield, I would defer to those who are involved in the conference. We are not going to set any artificial time lines. We want to make sure we have the best possible product, and so we will move ahead on Monday with the conferees, and certainly after next week we can reassess where we are time-wise.

Mr. LEWIS of Georgia. Mr. Speaker, I would continue to yield to my friend from Michigan on the child tax credit. When does he expect the conference committee to meet to report out a conference report? It has now been 27 days, 22 hours-plus since we appointed conferees. Does the gentleman have any idea when we can expect a report coming to this House?

Mr. ROGERS of Michigan. I thank the gentleman from Georgia for continuing to yield.

As we understand, there are some differences, and we hope the Senate conferees can quickly realize the sensible approach of the House and allow us to move a conference report before the end of July. Certainly that would be our hope.

Mr. LEWIS of Georgia. Mr. Speaker, I will continue to yield to my friend from Michigan to inquire about trade agreements. Does the gentleman anticipate that we may have votes before the August recess on any trade agreements?

Mr. ROGERS of Michigan. Mr. Speaker, I understand that both the Committee on Ways and Means and the Committee on the Judiciary held markups of the proposed Chilean-Singapore trade agreements this week. And while we have a significant amount of work to do in the next 2 weeks, I am hopeful we can find some time to consider this legislation before August. But, again, we will not set any artificial time lines, although we do hope that can happen.

Mr. LEWIS of Georgia. Let me say to my friend from Michigan, Mr. Speaker, that it seems like we are going to be very busy during the next few days before the August recess.

Mr. ROGERS of Michigan. Mr. Speaker, we will have a 5-day workweek certainly both weeks before the recess.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend for responding to the questions.

ADJOURNMENT TO MONDAY, JULY 14, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday, July 14, 2003, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

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

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, JULY 17, 2003, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, July 17, 2003, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1474, CHECK TRUNCATION ACT OF 2003

Mr. TIBERI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees:

Messrs. OXLEY, BACHUS, LATOURETTE, Ms. HART, and Messrs. TIBERI, FRANK of Massachusetts, SANDERS, and FORD.

There was no objection.

□ 1845

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

SPECIAL ORDERS

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

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

(Mr. DEFAZIO 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 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.)

AIDS IN UGANDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, as we all know, this week the President is in Africa visiting five countries and describing his personal commitment to combating the global HIV/AIDS pandemic, among other things. This is a good thing.

Just 6 weeks ago the President signed into law H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, to provide $15 billion over 5 years to 12 African countries and Haiti and Guyana in the Caribbean. Throughout the debate on this bill, which Uganda's approach to its own AIDS epidemic was highlighted very prominently as a model for the bold initiative that we were proposing and for our heavy reliance on the ABC model of prevention. That is, abstain, be faithful, or use a condom.

People on the ground in Uganda were telling us that while the message of the ABC model was important in helping to drive down infection rates and raise awareness of this disease, it was equally important that Uganda's President Museveni exerted strong political leadership in combating the disease and for the country to engage in a frank and open dialogue about sex and how the disease is transmitted.

But when we were debating this bill, the administration and social conservatives in this body put their own spin on Uganda's AIDS efforts by claiming that it was primarily the practice of abstinence that had reduced Uganda's rates from 15 percent to 5 percent in over 10 years despite evidence to the contrary.

In debate during the committee markup of H.R. 1298, we successfully placed abstinence, fidelity and the use of condoms on equal footing by successfully passing an amendment which I offered. The majority of members on the committee understood the danger of attempting to steer our prevention funding from Washington instead of allowing each individual country to determine how best to spend its prevention resources. Even the Washington Times indicated in an editorial on May 1, 2003, that it would be better to leave such decisions to experts in the field.

Unfortunately, the social conservatives in this body did not heed this very practical advice and persisted in promoting a misguided amendment that directs 33 percent of all prevention money in the bill towards abstinence-only programs. Now 6 weeks after the President signed the bill that we passed into law, he is visiting Africa to tout his commitment to fighting AIDS in Africa. Everywhere Africans are wondering what the true depth of the President's commitment is to fighting AIDS in Africa, and whether or not he will provide the full $3 billion per year authorized in our legislation.

There is also a considerable amount of concern in Africa that the President's focus on abstinence as the most important method of prevention will sidetrack the initiative based on an unrealistic understanding of the situation on the ground.

I want to be clear here. I agree that abstinence is an important method of prevention, but it must be balanced by a comprehensive prevention policy that includes the use of condoms, otherwise it cannot be effective in stopping the spread of the virus. It is important for programs like the AIDS Support Organization of Uganda, which runs the clinic in Entebbe that the President will visit tomorrow, to provide this kind of comprehensive education so that young adults who are just becoming sexually active know what to do to protect themselves.

Mr. Speaker, we are right in the thick of the appropriations process that provides the funding that will carry out this initiative. Unfortunately, we are about $1 billion short of the $3 billion authorized in our global AIDS legislation, mostly because the President does not believe we should provide more than $2 billion this year.

I am hopeful that by visiting the TASO clinic tomorrow, the President will understand the true gravity of the situation and will push for the full $3 billion in funding. The lives of thousands of Africans can still be saved if this money is provided now. That is why over 100 Members of this body wrote President Bush asking him to provide an emergency appropriation of $1 billion in funding if we are unable to get $3 billion through the regular appropriations process.

So it is not too late, and I am asking this Congress, I am letting the rest of our country know that the President is visiting Uganda tomorrow and that we want people in Africa to understand that we are committed in terms of delivering on the promises which we made in terms of making sure that the full $3 billion that we authorized becomes real.

PRESCRIPTION DRUG COSTS

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

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about the price that Americans pay for prescription drugs relative to the rest of the world.

As I have often said, I think we as Americans ought to be willing to pay our fair share. But as Members can see, and I apologize for this chart, the numbers are a bit hard to read for Members who are watching on C–SPAN in their offices, but if you cannot read the chart, it is available on my Website. Simply go to gil.house.gov, and Members can review this chart.

This is a chart essentially showing the prices that we paid for prescription drugs, 10 of the most commonly prescribed prescription drugs, when I was in Germany 2 months ago. Then we asked some of the local pharmacies here in Washington how much those same drugs, same dosage and number of tablets, would be here in the United States.

Let us take this drug, Coumadin. This is a drug that was developed originally at the University of Wisconsin veterinarian schools. It was a rat poison. It was designed to help kill rats. It is a blood thinner. When they consume it, they mix it with feed, and the rats eat it, and they go back to their dens and bleed to death internally. It was found that in small dose dosages this was very effective for people with heart conditions. My 86-year-old father takes Coumadin. We bought this drug in Germany for $21 American. This same package here in the United States sells for $89.95.

Glucophage is another drug we bought in Germany. It is an effective drug against diabetes, borderline diabetes. I am not a doctor, and I do not play one here in Congress, but we bought this drug in Germany, 30 tablets, 850 milligrams, for $5. That same drug here in the United States sells for $29.95 for the same package. The report goes on and on.

Prozac, we had a relatively small difference. We bought Prozac for $36.46, but here in the United States it was $49.95.

But then a drug like Pravachol, the price we paid in Germany was $62.96. That same drug and same dosage in the United States is not $62 but $149.95.

My wife takes a drug called Synthroid. She has a problem with goiter. Synthroid in the United States, 50 tablets of 50 milligrams sells for about $21.95. You can buy that exact same drug probably made in the same plant under the same FDA approval in Germany for only $4. So $21.95 in the United States, $4 in Germany.

Then I come to the one that really chaps my hide because we hear about the reason these drugs are so expensive is because it is so expensive to develop them, the research and development costs. And I recognize there are costs, but let us talk about tamoxifen, which was essentially developed by the NIH. So we paid for it. The American taxpayers paid for virtually all of the research and development. We bought 60 tablets, 20 milligrams of tamoxifen in Munich, Germany, for $60. That same drug in the same package sells in the United States for $360.

Now, tamoxifen is a very effective drug against women's breast cancer. We are happy to pay our fair share for the research costs; but as I always say, we ought to be willing to subsidize the poor people in sub-Saharan Africa, we should not be required to subsidize the starving Swiss.

And that is what is happening today because American consumers are being held captive. Some people ask why are prices so much cheaper in Europe. Well, in part they have something called price controls. That is part of the answer, but it is not the whole answer. They also allow in Germany, for example, they allow German pharmacists to do parallel trading. So the German pharmacist can order the drug wherever they can get it the cheapest. That is called competition. That is how markets work.

Mr. Speaker, I have introduced a bill called the Market Access Act, which would allow American pharmacists and American consumers to have that same kind of opportunity to go into the world markets. There are roughly 25 countries that are already recognized as having similar FDA-type regimens as we have in the United States, 25 countries are already recognized in the statute, and the bill I have would allow our pharmacists and our consumers to have access to those markets.

It may not be the perfect answer, but if Members do not like my plan, what is your plan? What is the administration's plan? What are we going to do about this? Because I will tell Members if next year we come back, and if Americans are still required to pay six times the amount for the same anticancer drug, they are not going to say shame on the pharmaceutical industry, they are going to say shame on us.

The time has come to make certain that Americans have access to world-class drugs at world market prices.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from the District of Columbia (Ms. NORTON).

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

There was no objection.

LABOR-HHS APPROPRIATIONS

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 would say to my good friend that previously spoke on the issue of dealing with the high cost of prescription drugs, I accept the challenge, and I believe it is crucial that this House address this question, and it is a travesty that our senior citizens and others are bearing this enormous burden.

I hope that we can get to work as a House on behalf of the people of this Nation. It seems too long that we have come to the floor and simply acknowledged that we are here either paddling water, swimming upstream, and maybe causing the American people to drown. We are in this boat, leaking boat, because we decided, the majority did, a few months ago, that it was more important to give a $550 billion tax cut of which the richest of Americans will get somewhere about $90,000, and then as we decided to strip our finances to its bare bones, we now come and debate today on the floor of the House in a couple of hours one of the most appropriations bills we will ever see in the course of this season of appropriations.

□ 1900

And that is the Labor-HHS bill dealing with the neediest of Americans, but frankly dealing with all Americans. And, Mr. Speaker, I think it is important to simply call the roll with respect to what we did today. We passed a bill, although very narrowly, that breaks all of the promises to Americans who have worked hard, who have contributed to this country, and who believe that we in this Congress are here to provide them with a big umbrella, the necessities of life that they have helped build in this Nation.

But what did we do? We cut overall education funding. We promised $3 billion, but in this budget we only had $2.3 billion or a 4.3 percent increase. So in essence, we have left many children behind. This bill only provides a $382 million, or 1.6 percent, increase over current funding for the Leave No Child Behind Act. So in essence we have millions of children that will not be served because of the bill we passed today. In real terms this funding is $8 billion short of what we need. Special education that I thought was an issue that all of us can come together around, we absolutely left that standing by the wayside, a $1.2 billion shortfall so the children that need special ed, the teachers that need to be in the classrooms to give our children that extra added lift will not exist. On title I funding for the poorest of our children, $12.35 billion provided in the bill, it is $334 million short. The title I program will eliminate being able to serve 9 million children. It was promised for 9 million children, and yet we will not have that amount of money.

It reduces our commitment to support college education. It reduces the amount of Pell grants compared to 84 percent when Pell grants were first established. This amount only meets 38 percent of college costs. Nearly 5 million students depend on Pell grants. The majority of them have incomes of $30,000 or less. And one of the things that we note in this country is that education is the great equalizer, but we passed a bill today that totally eliminates opportunities for millions of children.

In Houston, in the heat of the summer, Texas and southern States do not get LIHEAP moneys, but every year we face a heating crisis. When I say that, it is too hot and we do not have the resources to provide individuals with cooling dollars. Every year I organize a heat crisis team to go out and solicit air conditioners because my senior citizens and the disabled and others do not have the resources. But yet we can cut the LIHEAP moneys and treat those southern States that may not have the cold weather but have the hot weather in an unfair status. National Institutes for Health moneys have been cut drastically. So we have cut right at the heart the major resources for research that can help save lives.

I heard our President himself speak about community health centers, the need to bring health clinics closer to the people. But what do we do? Our community health centers serve 13 million people who lack access to health care in rural and urban areas, and yet we have inadequately funded those so the very local communities that were trying to bring health care to our rural communities, obviously no help.

Unemployment programs, Mr. Speaker, can my colleagues believe it? Unemployment at its all-time high, 6.4 percent, the highest in 9 years. African Americans at a rate of 1.971 million unemployed African Americans. The number of unemployed has reached 9.4 million. But yet we voted on a bill today, which I voted against, unfortunately it passed by the Republicans, of course, that takes money away from unemployment programs, $150.8 million. We take money away from homeland security. We take money away from helping the nursing shortage.

And then we do things that breaks the camel's back. Just a few days ago, I wrote a letter to the Department of Labor when they were closing the door on comments about their overtime regulation that would cut into the overtime of hard-working Americans. When I said to my constituents, Can you believe it, that they are going to give you time off, that you do not know when you will get the time off, instead of overtime?,'' they were outraged. We put an amendment on the floor to prevent that. Lo and behold, it was defeated.

This Labor-HHS bill is absolutely the worst, Mr. Speaker. We needed to vote it down. We did not vote it down. We need to throw it out and start working for the American people.

The unemployment rate jumped to 6.4 percent in June—highest since April 1994. The 6.4 percent unemployment rate is the highest unemployment rate since April 1994—nine years ago. According to the Bureau of Labor Statistics data released this morning, the national unemployment rate jumped to 6.4 percent in June from 6.1 percent in May. The 0.3 percentage point jump was the largest month-to-month rise since the September 11th terrorist attack.

The unemployment rate was 6.8% in Texas for May 2003—that is higher than the national average. The Number of Unemployed Has Now Reached 9.4 Million. Similarly, the number of unemployed rose to 9.4 million in June from 9.0 million in May. Just in the last three months, the number of unemployed has shot up by 913,000. Furthermore, 9.4 million is an increase of 59 percent in the number of unemployed since January 2001.

African Americans have cause for real concern because the African American unemployment rate for June 2003 is 11.8%, up from 10.8% in May 2003. There are now 1,971,000 unemployed African Americans.

Since President Bush was inaugurated in January 2001, the economy has lost a total of 3.1 million private-sector jobs—with the economy shedding another 31,000 private-sector jobs in June. Indeed, since the beginning of the year, the economy has shed an additional 307,000 private-sector jobs. It is truly astonishing that more than two years after the recession began in March 2001, the economy is still losing jobs.

No President since World War II has seen job losses during his tenure. President Bush seems destined to break this record. More than halfway through his term, he has lost more than 88,000 jobs per month. The poor economy under the Bush Administration has had a particularly devastating impact on the Nation's manufacturing sector—a sector that historically has provided an important underpinning for our economy. In June itself, the economy lost an additional 56,000 manufacturing jobs. Indeed, overall, 2.4 million of the net loss of 3.1 million private-sector jobs since January 2001 have been in the manufacturing sector—a staggering statistic.

The unemployment rate for African Americans jumped to 11.8 percent in June—up from 10.8 in May, and significantly higher than the 8.2 percent rate back in January 2001. The unemployment rate for Hispanics stood at 8.4 percent in June—similar to the 8.2 percent in May but significantly higher than the 7.5 percent in April. Back in January 2001, the Hispanic unemployment rate was 5.9 percent.

In June, the number of those unemployed for more than 26 weeks was 2.0 million—up by 106,000 from May. The figure of 2.0 million is more than triple the number of Americans unemployed for more than 26 weeks in January 2001—when it stood at 648,000.

Despite the fact that the recession began more than two years ago, the job market remains remarkably weak. The average length of a job search is now 19.8 weeks—about five months. Indeed, the average unemployed worker has applied for 29 different jobs. It is estimated that there are more than three unemployed workers for every available job. Back in January 2001, the average length of a job search was 12.6 weeks.

In January 2003, House Democrats unveiled a responsible economic plan for creating jobs and jumpstarting the economy. According to economists, the Democratic package would have created more than 1 million jobs in 2003, without increasing the long-term deficit—by putting money and purchasing power in the hands of consumers, giving tax breaks to small businesses and encouraging business investment, and providing adequate help to cash-strapped states in order to avoid tax increases and service cutbacks at the state level. Unfortunately, the GOP-controlled Congress ignored the Democratic plan and instead enacted a fiscally irresponsible $350 billion tax cut package targeted to the wealthest taxpayers—a package that will create enormous long-term deficits, not jobs. Furthermore, the GOP tax cuts will starve key investments to promote economic growth, such as education and infrastructure, and will leave middle-class taxpayers paying a greater share of all taxes.

MILITARY DEATH GRATUITY IMPROVEMENT ACT OF 2003

The SPEAKER pro tempore (Mr. BOOZMAN). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, to my left are photographs of just a few of the men and women that were killed in Iraq and Afghanistan in the last year and a half. And the reason I came to the floor is because we passed the House in a very bipartisan way legislation to bring some tax relief to our men and women in uniform, and I came to the floor because the other body has not taken this legislation up.

I happen to have a bill, H.R. 693, it is called the Military Death Gratuity Improvement Act of 2003. A lot of people do not know this throughout this country, but every time a man or woman in uniform, whether it is wartime or nonwartime, is killed, the family gets what is called a death gratuity. Quite frankly it is not enough, but it is $6,000 that is given to the family. In 1991 they raised the death gratuity from $3,000 to $6,000, but they failed to take the tax off $3,000. So therefore at the end of the year the family who has lost a loved one fighting for freedom to protect us and this great Nation will probably get a tax bill from the IRS. And I must say, Mr. Speaker, I think it is absolutely unacceptable that this Congress would allow the family of a deceased man or woman in uniform who has died fighting for this country to get a bill from Uncle Sam saying they owe a tax on a small amount of money, $6,000.

So I wanted to come to the floor tonight because I have three bases in my district, Camp Lejeune Marine Base and Cherry Point Marine Station and also Seymour Johnson Air Force Base; and I have a great affection for our men and women in uniform, all services, not just those that I named, the Marines and Air Force, but all. And, again, I think that as we debate these large issues here in Washington, and they are very important issues no matter which side of the political aisle one is on, the least we can do is to take this tax off for the family who has lost a loved one fighting for freedom in Iraq, fighting in Operation Enduring Freedom, and I just hope that the other body, Mr. Speaker, very soon will pass this legislation, not just the bill I put in, which is part of a bigger package, but we need to make sure that in the year 2004 when the families who have lost loved ones receive their tax bill that they are not going to see a tax on the death gratuity that was given to family.

So, Mr. Speaker, I must say as I begin to close that my staff, and I want to compliment my staff, we have a photograph outside my office of everyone that has died in this fight for freedom in Operation Freedom in Iraq and also those that were killed in Afghanistan. So I hope, and again I am being repetitious but I do not apologize for it, that the Senate will do their job and make sure that the family that receives not only the notice that their son or daughter has given their life for this great Nation but also to make sure that at the end of the year that family does not receive a notice from Uncle Sam that they owe a tax on $6,000.

So, Mr. Speaker, I close the way I do all over my district. I ask God to please bless the men and women in uniform. I ask God to please bless the families of those who have men and women in uniform. And I ask God to please in his loving arms hold the families who have lost loved ones dying for freedom, and I ask God to please bless the House and Senate that we will do what is right in the eyes of God. I ask God to bless the President, that he will have the strength and the wisdom to lead this great Nation. And I ask three times, God, please, God, please, God, please continue to bless America.

PRESCRIPTION DRUGS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the most important issue of prescription drug cost. As a former nurse,

I am committed to making sure that seniors have the drugs they need to stay healthy without having to make painful choices between buying groceries or paying rent or getting prescriptions filled or even paying their utility bills.

As the Medicare issue continues to be debated in Congress, I have always supported what is best that I felt for working people of America. I understand that Medicare provides for so many who have provided so much to our Nation and continue to do so, and I believe sincerely that Medicare should have a provision to work with the pharmaceutical companies, to get discounts just as the discounts are received prior to the senior citizens turning 65.

In a study conducted nationwide, Advance PCS found that the average person over 65 fills about 20 prescriptions per year compared to about three per year for a person in their 20s. This study shows that average cost per prescription for a person in his or her late 60s is about 45 percent higher than the average cost per prescription for a person in their 20s. Brandeis University reported that the percentage of elderly spending more than $3,000 annually on medication more than doubled from 1997 to 1999, from 3.7 percent to 8.6 percent. The U.S. Census Bureau estimates that the over-65 population will increase by an average of 304,400 people each year between 2000 and 2005. According to Families USA, the average cost per prescription for seniors has already risen during that time in the past 8 years by 48 percent.

It is for these reasons that we must address the high cost of prescription drugs for our seniors. Unfortunately, legislation recently passed in this House does not entitle seniors to any particular drug benefit plan. Instead, the Republican-backed Medicare Prescription Drug and Modernization Act of 2003 provides only a standard benefit and is merely a suggestion for what private plans might offer. This plan provides no assistance for prescription drug cost between $2,000 and $5,600 per year, and nearly half of all of our seniors have prescription drug expenses over $2,000 annually.

Democrats know that the American seniors have waited long enough for relief from the Nation's skyrocketing prescription drug prices. Unfortunately, we are not giving our seniors an affordable and dependable plan with no gaps in coverage. Instead, the Republican leadership has chosen to hijack the democratic process yet again by blocking our party's attempts to provide a commonsense prescription drug benefit through the Medicare program. By shutting down opposition, rather than allowing an open debate, the Republican leadership is making it clear that they are afraid to compare their sham prescription benefit plan to the Democratic substitute. When the plans are put side by side, the American public sees that the Republican plan fails to provide any substantive benefits. The public will see that their plan's benefits are so insignificant that it would not be worthwhile for many middle-class seniors to enroll. The Republican plan does nothing to curtail the exploding drug prices because of their ties to the pharmaceutical industry, and that is a matter of record that can be checked.

Providing affordable prescription drug coverage should be an issue that transcends partisanship. The American public should be outraged that the Republican leadership is playing politics with the health and well-being of millions of our seniors, and I hope the voters will remember their shameful abuse of power when they go to the polls next November.

CLEAR ACT OF 2003

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

Mr. NORWOOD. Mr. Speaker, I rise today to share the tragic tale of a New York mother's brutal attack, why it should never have happened and what can be done now to ensure that it never happens again.

Mr. Speaker, just this past December, a man and woman were sitting in a New York City park when they were suddenly surrounded by a gang of young men. The gang kicked and beat the woman before dragging her along the nearby railroad tracks, forcing her into woods where they threatened to kill this 42-year-old mother of two and repeatedly raped her. Mr. Speaker, it was a vicious, shocking, horrific crime. But, Mr. Speaker, it was a crime that should never have happened.

□ 1915

That should have never been allowed to happen in the first place. The reason it should have been prevented is that the five males charged with carrying out this heinous act were living in the United States illegally. Even more unbelievable, four of them had criminal pasts and had been in the hands of law enforcement authorities, two actually having served jail time. But instead of being immediately deported, as the law says, they were released back on to the streets, back into our society, allowing them then to commit more crimes.

Sadly, Mr. Speaker, this is just one story of many stories, stories of crimes that should have been prevented, of victims that should have never been. These stories are a reflection of our immigration law enforcement system in our Nation that is badly broken and in need of immediate repair. It is a system that provides little or no coordination between Federal, State and local officials, is badly outmanned, and results in safe havens for common criminals who roam the countryside instead of safe streets for the law-abiding citizens who call this home, and needlessly and increasingly endangers the very homeland security of the United States at a very critical time in our Nation's history.

Mr. Speaker, today in America there are almost 400,000 individuals who have been ordered deported, but are instead hiding out in our communities. Of these, roughly 80,000 are criminal aliens, and I am not talking about running a stop sign, I am talking about violent criminals. That means there are 80,000 illegal aliens with criminal convictions that are on the prowl, thanks to our broken immigration system.

So what great force does our Federal Government provide to enforce the immigration laws of our Nation and account for the 400,000 illegal aliens with standing deportation orders, or the 80,000 of those who are criminal aliens? Just 2,000 folks who work for the Bureau of Immigration and Customs Enforcement.

Mr. Speaker, as they say in north Georgia, these folks have just got more than they can say grace over. These 2,000 men and women work hard, they are good people, but, as the numbers suggest, it is not a fair fight, and this is not a realistic goal, if we intend to enforce our immigration laws.

Mr. Speaker, it is time we got serious about fixing our sad immigration law enforcement system. This week, after much thought and work, I introduced the Clear Law Enforcement for Criminal Alien Removal Act. We are going to call it the CLEAR Act of 2003. It is a bill that would finally give assistance and motivation to those 2,000 agents in the field by granting local and State law officers access to data, clarification of the jurisdiction, and appropriate funding and training to help them. Finally, it gives clarification and teeth to the laws already on the books, and order and accountability to a system that has been lacking in much of that for far too long.

Mr. Speaker, we have an opportunity here, I believe, to finally insist that this country enforce the laws that are on our books. We are a Nation of laws. I believe that. I believe that is what makes America great. But for us to say that we are going to enforce our laws against 400,000 illegal aliens that are out there with deportation orders, or the 80,000 that are criminals, or the 4,000 that come from countries friendly to al Qaeda, or the 10,000 or so that are needed for questioning by our national security agencies, at a time when we are concerned about terrorists, we simply absolutely must do something about this, and the CLEAR law will do that. I encourage my colleagues to look at our bill and hopefully cosponsor it.

IMPACT OF THE BAKU-TIBLISI-CEYHAN PIPELINE

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

Mr. PALLONE. Mr. Speaker, I come to the House floor today to express my concern over the Baku-Tiblisi-Ceyhan pipeline, which is designed to transport oil from the Caspian Sea. This pipeline has been in the planning stages for years, but this year ground was actually broken for the pipeline in Azerbaijan. The proponents of this pipeline have touted its numerous benefits in recent years, but last month an Amnesty International report identified major problems that I would like to address this evening.

Amnesty International's report, Human Rights on the Line, is a thorough and convincing look at how large oil companies put the business of oil over the lives of those that stand in the way of its delivery. The executive director of Amnesty International, Dr. William Shultz, recently blasted the consortium, led by British Petroleum, that is financing the pipeline.

He said, ''While BP claims to be socially responsible as the leader of the BCT consortium, it has essentially encouraged the Turkish Government to sign away its ability to fully uphold human rights.''

Mr. Speaker, in contractual agreements between companies and governments, human rights should not be negotiable.

In their report, Amnesty International cited five main areas of concern with the pipeline project. They argue that the contract signed between British Petroleum and the Turkish Government, known as the Host Government Agreement, places the business agreement above human rights, and this agreement will violate the principles of human rights in five ways.

First, a land grab by the Governments of Turkey, Georgia and Azerbaijan along the route of the pipeline. Over 30,000 people who live in villages and farmland along the path will be permanently displaced without their having any input into the decision or receiving any compensation.

Second, little to no enforcement of health and safety legislation in each of the three host countries for the workers and locals that work on and live near the pipeline.

Third, the serious risk to the human rights of any individuals that protest the pipeline's construction. If the local residents protest the construction, they are likely to be brutally suppressed.

Fourth, Mr. Speaker, all the water resources in the vicinity of the pipeline will be used for its construction. Local residents and their farms and livestock will face a severe water shortage as a result, and their water supply is also likely to be seriously polluted from the construction.

Fifth, the agreement that Turkey and British Petroleum signed actually creates an economic disincentive to uphold human rights. The text of the agreement states that Turkey has to pay compensation to British Petroleum for not meeting construction deadlines. The Turkish Government would almost be forced to ignore the basic concerns of its population in order to meet deadlines set by the oil companies.

Mr. Speaker, I plan to bring the Amnesty International report on the Baku-Ceyhan pipeline to the attention of our Congress and our Caucus on Armenian Issues. We will ask the authors of the report to present their findings to the Armenian Caucus in the coming weeks.

This practice of sacrificing the things we hold dear for 10 to 20 years of oil cannot continue. How much of the environment are we willing to destroy? How many of our basic human rights will we continue to hand over to the oil companies?

Mr. Speaker, lastly, the U.S. Government, in my opinion, should certainly not provide any economic incentive for this pipeline until a thorough review of the human rights and ecological problems is completed.

GRANTING SALES TAX DEDUCTION ON FEDERAL TAX RETURNS

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

Mrs. BLACKBURN. Mr. Speaker, in 1999 I began battling imposition of a State income tax in Tennessee. Our State spent 4 years debating the ability of government to levy new taxes and the meaning of tax fairness. The battle was long, and it engaged virtually every taxpayer in Tennessee. At the end of the day, those that supported the State income tax lost. Tennessee stood up and said enough is enough, and they rejected a massive tax increase.

Traveling through our beautiful State, I met people in city halls, people in coffee shops, and I gained tremendous appreciation for what those patriots must have felt when they dumped the tea into the Boston Harbor during the Boston Tea Party. I really continue to take heart in the way average citizens, people who have really never taken an interest in politics, the way they have become marching, sign-waving, horn-honking activists, and the way they have united against another tax increase.

With the defeat of a State income tax in Tennessee, I came to Washington prepared to work for legislation that would allow citizens of States without a State income tax the right to deduct the sales tax from their Federal income tax filings. Right now, if you pay State income taxes, you can deduct those payments on your Federal returns, but if you only pay sales tax, you cannot deduct it, and that is unfair.

The Nation's Tax Code effectively punishes States without an income tax, States like Tennessee, Texas, Florida, Washington, Wyoming and South Dakota.

Mr. Speaker, there are more than 53 million people that live in States that do not have a State income tax. That is nearly 20 percent of our entire population. I want to say that one more time. There are nearly 53 million people that live in States without a State income tax. That is nearly 20 percent of our entire population. And these people are being penalized every single year when they fill out their Federal income tax filing. All of these people have been or will be taxpayers, and they deserve tax fairness.

America's seniors would also be supportive of this effort. There are millions of seniors in this country. Many probably do not have a great deal of State income tax payments to deduct on their Federal returns, but they certainly have State sales tax payments. So the support is clear. There are millions of Americans in States across the Nation who want and deserve this deduction.

Mr. Speaker, I have made this a priority. I have worked very closely with the gentleman from Texas (Mr. BRADY), the gentlewoman from Wyoming (Mrs. CUBIN), the gentlewoman from Washington (Ms. DUNN), and our majority leader the gentleman from Texas (Mr. DELAY). I have testified before the Committee on Ways and Means on this issue, and I have taken every opportunity to talk to Members and work with Members on both sides of the aisle on this most important issue.

The sweat is paying off. Today the New York Times drew attention to this issue and pointed to this House's engagement on the effort. There have been articles in papers across Tennessee, Florida, Washington, and the list goes on and on. The word is spreading. We are closer than ever before to winning passage of a sales tax deduction, but the time is not here for celebration. It is time to put our noses to the grindstone and work to find the right vehicle for the sales tax deduction.

The momentum is building, and it is time for fairness for the people who live in States without a State income tax. They deserve this deduction, and it is time for them to have it.

GROWING CONCERNS ABOUT U.S. POLICY IN IRAQ

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

Mr. MCGOVERN. Mr. Speaker, over the past few days and weeks, an increasing number of my constituents have contacted me to express serious questions and growing concerns about U.S. policy in Iraq. I, too, have questions, and I share their concerns.

For example, in the months since U.S. forces invaded Iraq, overthrew Saddam Hussein and his government, and gained control of the country, no weapons of mass destruction have been found, despite repeated assertions by

the Bush administration before the war that Iraq possessed large stockpiles of these weapons; not weapons programs, which is the terminology the administration now chooses to use, but weapons themselves.

On August 26, 2002, Vice President Cheney said, ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction.''

Have we made any progress at all in finding those weapons? Have the dozens of Iraqi scientists interviewed by American intelligence officials provided any useful information? Is the administration still confident that weapons stockpiles will be found?

It is not enough to say, well, other people thought Iraq had weapons, too, because neither the Clinton administration nor the United Nations launched a war based on their suspicions. The Bush administration did, and the burden of proof rests on their shoulders.

The White House has recently admitted that a piece of evidence used in the State of the Union no less as proof of Iraq's nuclear weapons program is not credible. I am referring to the assertion that Iraq had attempted to purchase yellow cake uranium from Africa. The administration now says that the proof of that claim was not strong enough to merit inclusion in a Presidential speech.

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But, Mr. Speaker, the intelligence community knew at the time of the State of the Union that the Africa uranium story was not credible, which leaves us with two possibilities: either the administration knew the claim was bogus and chose to make it anyway, or critical intelligence information did not make it into the hands of the President or the dozens of people who wrote, reviewed, edited, or commented on the State of the Union.

Both of these possibilities are deeply disturbing.

This is not some small matter, as some would have us believe. The majority leader of this House the other day dismissed questions about the uranium issue, saying it is ''very easy to pick one little flaw here and one little flaw there.''

One little flaw? I could not disagree more. The specter of an Iraqi nuclear attack was cited as an important and compelling reason the United States launched a preemptive, nearly unilateral invasion that has led to the deaths of over 200 American soldiers.

On the path on war, the Congress and the American people deserve fact, not selective spin. We may have honest disagreements about how to respond to the threats posed by other countries, but we must have a credible assessment of what those threats really are.

More and more, it looks like we did not get that credible assessment.

And if the buildup to the war was flawed, its aftermath looks even worse.

Mr. Speaker, U.S. soldiers are being constantly attacked; dozens have been killed since the President was flown onto the USS *Abraham Lincoln* and declared the war to be over.

It is becoming disturbingly clear that the administration did not have a coherent, workable plan in place to deal with the realities of post-war Iraq. Basic infrastructure, the economy, political and civil society, are all in bad shape. Worse, attacks against American soldiers appear to be growing in both intensity and coordination. And President Bush's response to these attacks? ''Bring 'em on.''

Well, I must say that I was deeply, deeply disturbed by such a cavalier comment. It does not take any courage for a President or a Member of Congress to say such a thing. We are not out there on the front lines, standing nervous guard in the searing heat, unable to distinguish friend from foe, with lousy food and no idea of when a reunion with loved ones will come.

These are some of the concerns that I share with a growing number of Americans.

One of my constituents from Worcester, Massachusetts, wrote, ''Americans were made to feel that their lives were in immediate danger; yet months later, no weapons have been found. Americans do care. I did not take to the streets in protest during the war, because I wanted to believe that our government had substantial proof that it was vital for our security. I love my country, because I am allowed to ask these questions. Silence and apathy can also be dangerous to national security.''

I believe it is time to get the United Nations and the international community more fully involved in the reconstruction process. We cannot do this by ourselves or with a small hand-picked group of others.

Mr. Speaker there is a lot at stake here. We need to get this right. We need to know the truth, and all of us, Democrats, Republicans, and Independents have a responsibility to pursue that truth. We have a responsibility to continue to ask tough questions and demand straight answers.

Thorough, bipartisan, and public investigations are in order. And I strongly support the creation of a select bipartisan commission to conduct those investigations and make the results known to the American people.

One final thing, Mr. Speaker. Never, ever again should we rush to war. This House had 1 day of debate on Iraq in October. One day. Congress did not ask the right questions. Congress did not demand the right proof. Our lack of thoughtful debate reflected very poorly on this institution; and today, Mr. Speaker, sadly, we are paying that price.

MEDICAL LIABILITY REFORM IN DANGER IN SENATE

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

Mr. BURGESS. Mr. Speaker, I rise this evening with great concern about a recent development that occurred yesterday here on the Hill. In the other body, the failure to close debate on medical liability reform, the most important legislation that this body passed in March, was to address this crisis; and now that reform is in danger.

The House passed H.R. 5 to control unsustainable medical liability premium increases and to preserve patient access to important medical specialists. Based on a 1975 California law, the Medical Injury Compensation Reform Act of 1975, that has held down premium increases in that State, H.R. 5 would place a cap on noneconomic damages in medical liability cases.

This bill would not limit access to the courthouse. This bill would not limit damages to those who have been injured by negligent actions. This bill would not reward bad doctors. This bill would not protect HMOs.

This bill will increase access to important specialists such as neurosurgeons, perinatologists, and trauma surgeons. This bill will return sanity to a legal system that currently resembles a Las Vegas gaming device.

This past March, back in north Texas, a Dallas neurosurgeon opened his mail and found a 5-figure premium increase in his medical liability insurance. He said, enough is enough, and he left town. This placed the entire trauma network in the Dallas-Fort Worth area on the brink of crisis. Again, good doctors driven from their practice by increasing liability premiums brought on by the trial attorneys.

This crisis is driving young doctors from practicing medicine or, in fact, it is keeping young adults from even considering medicine as a career, creating a potential physician deficit well into the future.

Mr. Speaker, this Congress needs to reform this system now, or surely it will collapse under its own weight. I am saddened by the intransigence of some Members in this town to not even consider this issue with seriousness and foresight.

Mr. Speaker, how could they do that? I hope that this Congress will confront this crisis with the seriousness that it deserves. Patients need relief. The country is asking us to lead. Let us do the right thing and send a medical liability reform bill to the President this year. He has already promised us that he would sign it. We should do nothing less.

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

(Mr. HOBSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL HAS TERRIBLE EFFECTS FOR AMERICA

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

Mrs. CHRISTENSEN. Mr. Speaker, I rise to call attention to the big letdown that is the fiscal year 2004 Labor, Health and Human Services, and Education, and Related Agencies bill just passed by this House. I want to commend my colleague, the ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), for his tireless efforts to reverse the terrible effects of this bill on the less fortunate in our country. I cannot believe that in the face of the many needs that remain, this body was unwilling, either in committee or as a body, to just cut a small amount from the highest tax cuts to fund them.

Mr. Speaker, as a physician I am very concerned, as we all should be, that our health care system in this country remains in serious peril, and the bill before us today does very little to reverse the downward spiral. Our flawed system is falling short on its promise and contributing to the disabling illness and premature death of the people it is supposed to serve.

The picture is worse for African Americans who, for almost every illness, are impacted most severely and disproportionately and, in some cases, more than all other minorities combined. Every day in this country, there are at least 200 African American deaths which could have been prevented. This bill does nothing to reduce or address this whatsoever.

Today, we know that they happen because even when we have access to care, the medical evaluations and treatments that are made available to everyone else are denied to us, not only in the private sector, but in the public system as well.

The current, strongly held-to ''cost containment'' paradigm, while it sounds good on the surface, has obviously not worked. What it has done instead is to create a multi-tiered system of care, both within the managed care system and without. Those at the lowest rungs of the system get sicker; the sicker, therefore, are more costly, were and still are being dropped, and those who are the sickest are blocked out entirely. So not only are health care costs continuing to escalate; the overall health picture in this country is worse than ever.

Passing this bill means we will just continue on the path of fostering a separate and unequal health care system.

It provides the smallest percentage increase since 1998 for the administration's centerpiece, the community health centers, which serve 13 million people who lack access to health services in rural and urban areas.

The bill provides no increase at all for the Maternal and Child Health block grant or the National Health Service Corps, leaving many pregnant mothers and infants without services at a time when this administration and Congress have singled out the safety net of Medicaid for attack. It further harms our children by providing no increase for the childhood immunization program, which is already having trouble keeping up with the rising costs of vaccinating children.

This so-called appropriation bill completely ignores recommendations from the Institute of Medical Reports which we commissioned and paid for. Despite an important recommendation for more minority health care providers to overcome discrimination in the health system, which is critical to eliminating health care disparities, this bill cuts programs that help students from minority and disadvantaged backgrounds prepare for and do well in medical school and other health professional schools.

It further freezes funding for the Health Professions Training Program at the 2003 level. This program provides scholarship and student loan repayment assistance for doctors, or it would, and dentists, who agree to work in medically underserved areas. It is a key source of health professionals to staff community health centers and rural health clinics, making the small increase to community health centers another empty promise.

As a supposed sign of generosity, the bill provides a negligible 0.3 percent increase over the current year for the Ryan White program, which will mean that that program will fall further behind the rising costs and needs of the AIDS community. But in a cruel twist, the bill increases funding for AIDS drugs assistance programs, which provide access to drug therapies and needed treatments to sustain and improve the lives of those living with HIV and AIDS by $39 million, but it pays for that increase largely by cutting $33 million from other Ryan White programs; and it still keeps the program underfunded by about $100 million. States are reporting every day growing lines of waiting lists for people waiting for treatment.

We have problems with the administration's new initiative to focus on HIV-positive persons at the expense of primary prevention. But even then, few, if any, resources are being provided for the health services needed to help people with HIV remain as healthy as possible and slow the transmission of the virus because of the cutbacks in the Ryan White program.

The Members of the Congressional Black Caucus have made a sustained effort to ensure that our poor and minority communities across the country have access to AIDS services. What will happen with this bill is, tragically, that the funds will not be available to build a capacity of our community-based organizations to help patients reach lifesaving medicines once those patients have been identified.

Mr. Speaker, the fiscal year 2004 Labor-HHS bill would be considered a joke if the programs were not so critical to the lives of the American people. I wish that I could hope for it to be fixed during conference, but the President and the Republican leadership here have, through their tax cut and ill-advised war, and their commitment to provide for Iraq what they will not provide for people in this country, have made it next to impossible for us to provide the needed funds to make our own people whole.

I think that the leadership here is probably happy that they passed this bill, but it is a bad day for the people of the United States.

TRIBUTE TO ANTHONY CELEBREZZE, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I come to the floor with a heavy heart because Ohio has lost one of her favorite sons on the 4th of July. I have asked for this time to say a few words on behalf of the people of our great State on the life of Anthony J. Celebrezze, Jr., who died of a heart attack last Saturday at age 61.

Tony had just finished a heated race in his replica 1937 Chevy at a speedway in central Ohio. He loved competition, he loved turning a wrench, and he loved getting behind the wheel of his Legends car.

No one would have known that he came from one of the most distinguished political families in Ohio history.

Tony's father, Anthony J. Celebrezze, was mayor of Cleveland for 5 years and then served in President John F. Kennedy's cabinet as Secretary of what was then called Health, Education, and Welfare.

Tony was a graduate of John Marshall High School in Cleveland and went on to the U.S. Naval Academy class of 1963. He served 5 years in the Navy and earned the Naval Commendation Medal.

He received his law degree from Cleveland State University and launched his successful political career in 1974, winning election to the Ohio Senate.

In 1978, he was elected Secretary of State and served one term. In 1982 he won the election as Ohio's Attorney General and won reelection in 1986. Tony was a very popular Ohio figure. He ran unsuccessfully for Governor in 1990.

As Attorney General, Tony Celebrezze won accolades for his efforts to protect consumers and the environment. He made our State a better place.

As the Columbus Dispatch noted, what those of us who knew Tony remember most about him was his decency, his warmth, and his humanity.

''Celebrezze,'' the Dispatch said, ''may not have won every race he entered, but he was a winner in every way that counted: as a man and as a public servant.''

He will be missed by his fellow Ohioans, as we extend our condolences to the Celebrezze family, his widow, Louisa; his 5 children, Anthony, III, Catherine, Charles, David, and Maria; his sisters, Jean and Susan and their husbands.

Mr. Speaker, I will enter into the RECORD this warm tribute that was written by the Columbus Dispatcher by Michael Curtin, along with a longer news story that details the accomplishments of this decent, community-minded family man whose intellect and good heart raised the character of our beloved State.

As the articles state, as Ohio's chief law enforcement officer, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the State the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati. He also brought the first criminal prosecutions under Ohio's hazardous waste laws, expanded consumer protection, and helped bring the DARE program to Ohio.

Mr. Speaker, I know that my time has almost expired, but let me just end by saying the words of the Dispatcher editorial: ''At a time when civility in politics seems virtually nonexistent, Celebrezze is remembered fondly by his many friends on both sides of the political fence.''

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He understood that politics is a contact sport, but he never adopted the win-at-any-cost philosophy that does permanent damage and creates permanent enemies.

Though his death came far too early, the date on which it occurred, Independence Day, is fitting considering how much of his life was devoted to service to his State and our Nation. Tonight we honor American patriot Anthony J. Celebrezze of Ohio.

[From the Columbus Dispatch, July 6, 2003]

ANTHONY J. CELEBREEZE JR.; OHIO'S FORMER ATTORNEY GENERAL DEAD OF HEART ATTACK AT 61

(By Mike Curtin and Joe Hallett)

Anthony J. Celebrezze Jr., a former Ohio attorney general, secretary of state and state senator, died Friday night of cardiac arrest. He was 61.

Celebrezze, a lifelong fan of auto racing and part of a Legends racing crew, was stricken after racing his replica 1937 Chevy sedan to a third-place finish at the Shady Bowl Speedway in DeGraff, in southwestern Logan County.

Legends cars are five-eighths scale, fiberglass replicas of 1930s and 1940s NASCAR cars. Celebrezze's car was No. 63, marking the year he graduated from the U.S. Naval Academy.

Those who knew him best say Celebrezze was happiest when he was around cars and racetracks. After leaving elective office at the end of 1990, he devoted himself more to the sport.

''He loved racing through and through. I don't think he would have wanted to go any other way,'' said his son, Anthony J. Celebrezze III. ''He enjoyed the daylights out of it.''

''When we were campaigning together and the subject of racing would come up, he could go on and on about the fine points of engines and transmissions and gear reductions,'' recalled Eugene Branstool, who ran for lieutenant governor in 1990 when Celebrezze was the Democratic nominee for governor.

After completing his eight-lap race in a preliminary heat Friday, Celebrezze complained of feeling ill, said Wayne Hill, a family spokesman.

''He said he was going to go rest in the truck for a little bit,'' Hill said. A short while later, his racing partners found him dead. Celebrezze had no known history of heart problems, Hill said.

Celebrezze was pronounced dead about 9 p.m. by emergency medical personnel at the track, said Dr. Joshua Richards, coroner of neighboring Champaign County.

''A lot of drivers are going to be upset to hear the news,'' said Tim Williams of Columbus, who competed both with and against Celebrezze on the track.

''Everybody liked Tony. Here was a guy who was attorney general and who ran for governor, and yet he would do any task. He would do the grunt work. He quickly became one of the guys because he could talk the language. He knew the technical aspects.''

Before losing the 1990 governor's race to Republican George V. Voinovich, Celebrezze had risen steadily to become one of Ohio's leading Democrats.

He began his political run in 1974 by winning election to the Ohio Senate, representing western Cuyahoga County. In 1978, he was elected secretary of state, ousting Republican Ted W. Brown, who had held the office for 28 years. In 1982, Celebrezze won his first of two terms as attorney general.

As Ohio's chief law-enforcement officer, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the state the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati.

Celebrezze also brought the first criminal prosecutions under Ohio's hazardous-waste laws, expanded consumer protection and helped bring the DARE program to Ohio.

He was born into politics—the oldest of three children and only son of five-term Cleveland Mayor Anthony J. Celebrezze Sr. After serving as mayor from 1953 to '62, Celebrezze Sr. was appointed secretary of health, education and welfare by President Kennedy. From 1965 to '96, Celebrezze Sr. was a judge of the U.S. 6th Circuit Court of Appeals.

Paul Corey, a former teacher at Newton D. Baker Junior High School in Cleveland, remembers the young Celebrezze ''being badgered all the time if the garbage wasn't being picked up'' while his father was mayor.

''Tony was a beautiful human being,'' said Corey, who now lives in Columbus. ''What you see was what you got. He was a good, very quiet, well-mannered young man.''

Celebrezze graduated from John Marshall High School and entered the U.S. Naval Academy, graduating in 1963. He served five years of active duty and earned the Naval Commendation Medal. For many years thereafter, he served as a captain in the U.S. Naval Reserve.

Celebrezze earned a master's degree in 1966 from George Washington University and a law degree in 1973 from Cleveland State University.

In June 1965, he married Louisa Staton Godwin of Williamson, N.C. They met while both worked at the U.S. Department of Defense. They are the parents of five children: Anthony J. Celebrezze III of Columbus; Catherine Celebrezze of New York City; Charles Celebrezze of Plantation, Fla.; David Celebrezze of Leesburg, Va., and Maria Celebrezze of Columbus.

Mrs. Celebrezze, a licensed social worker, is known for her knowledge and appreciation of classical music. ''We have an agreement,'' her husband said in 1999. ''I don't go to her operas, and she doesn't go to the races.''

''Actually, he did go to some of those (operas and concerts),'' Celebrezze's oldest son said. ''And she (his mother) went to a number of his races, although the only thing she knew was that they were going around in a circle.''

Throughout his political career, Celebrezze had no closer associate and friend than his chief of staff, William H. Chavanne. They met in 1974, when Chavanne worked on Celebrezze's state Senate campaign.

''I think he'll be remembered as somebody who was always concerned about doing a good job. He was hardworking and smart. He tried to never leave a job undone.''

Voinovich, said Celebrezze's industriousness impressed Republicans and Democrats: ''The thing that impressed me was that he was so conscientious with the work he did in state government.''

Voinovich, said he also noticed that Celebrezze, after leaving government, continued to work for community and civic causes.

Since 1991, Celebrezze has practiced law. For the past two years, he practiced with the Columbus firm of Kegler Brown Hill & Ritter. He founded the firm's national regulatory and government-affairs area and was active in administrative law.

Celebrezze ''was a true mentor. He took a lot of younger people under his wing.'' said law partner Kevin Kerns. ''He also was a friend, a tremendously loyal individual.''

James M. Ruvolo, Ohio Democratic chairman from 1983 to '91, said much of Celebrezze's political success stemmed from being genuine.

''Tony was a decent guy, and that came across,'' Ruvolo said. ''In politics, you run into people you respect, but you don't often run into people you respect and like. People respected and liked Tony.''

Besides his wife and children, Celebrezze is survived by his sisters, Jean Porto of Chevy Chase, MD., and Susan Sullivan of Boston.

Calling hours in Columbus will be 4–8 p.m. Monday at O'Shaughnessy Funeral Home, 405 E. Town St. Calling hours in the Cleveland area will be 4–8 p.m. Tuesday at Corrigan's Funeral Home, 20820 Lorain Rd., Fairview Park.

A funeral Mass will be held at 11 a.m. Wednesday in St. John Cathedral in downtown Cleveland. Burial will be in Holy Cross Cemetery.

[From the Columbus Dispatch, July 6, 2003]

OBITUARIES

Anthony J. Celebrezze, Jr., age 61, died Friday July 4, 2003. Preceded in death by his parents Anthony J. and Anne Celebrezze. Survived by his wife of 38 years, Louisa (Godwin) Celebrezze; children and their spouses, Anthony and Stephanie Celebrezze III, Catherine Celebrezze, PhD and Blake Baxter, Charles Celebrezze, David Celebrezze and Maria and Jim McBride; sister and brothers-in-law, Jean and Ben Porto of Washington, DC and Susan and David Sullivan of Boston, MA; nieces and nephews. He was an attorney with Kegler, Brown Hill & Ritter. Graduate of John Marshall High School, the U.S. Naval Academy and Cleveland State University Law School. Served in the Ohio Senate,

as Ohio Secretary of State and as Ohio Attorney General. The family will receive friends at the O'Shaughnessy Funeral Home, 405 E. Town St. Monday 4–8 p.m., where prayers will be offered at 8:00 p.m. Further visiting hours at the Corrigan Funeral Home, 20820 Lorain Road, Fairview Park, OH Tuesday 4–8 p.m. Mass of Christian Burial St. John Cathedral, Cleveland, OH, Wednesday at 11:00 a.m. Interment at a later date in Holy Cross Cemetery, Cleveland. The family would welcome contributions to the US Naval Academy Class of 1963 Foundation, P.O. Box 64740, Baltimore, MD 21264–4740 or the Celebrezze Endowment Fund, Development Office, Ohio Northern University, 525 S. Main St., Ada, OH 45810–9989.

[From the Columbus Dispatch, July 8, 2003]

ANTHONY J. CELEBREZZE JR.; FORMER OHIO ATTORNEY GENERAL SERVED HIS STATE AND NATION WITH HONOR AND DECENCY

Some sense of Anthony J. Celebrezze Jr.'s, impact on Ohio can be found in the electronic archive of The Dispatch, where a search for his name produces more than 1,800 citations.

As a state senator, Ohio secretary of state and Ohio attorney general, Celebrezze played an influential part in Ohio's history between 1974 and 1990.

But only a few of those many news stories dealt with what people remember most about Celebrezze, who died of cardiac arrest on Friday at age 61: his decency, warmth and humility.

At a time when civility in politics seems virtually nonexistent, Celebrezze is remembered fondly by his many friends on both sides of the political fence. He understood that politics is a contact sport, but he never adopted the win-at-any-cost philosophy that does permanent damage and creates permanent enemies.

Though his death came far too early, the date on which it occurred—Independence Day—is fitting, considering how much of his life was devoted to service to his state and the nation.

After high school, he entered the U.S. Naval Academy, where he graduated in 1963. He spent five years in active duty and many more as a captain in the Naval Reserve.

Choosing a political career like his father, former Cleveland Mayor Anthony J. Celebrezze Sr., the younger Celebrezze entered public service with his election to the state Senate in 1974 and continued with one term as Ohio secretary of state and two as attorney general. In the latter office, he expanded state regulations of the environment, cracked down on polluters and enhanced consumer protections.

He was one of the state's leading Democrats when he lost a hard-fought campaign against George V. Voinovich in the 1990 governor's contest.

Since then, Celebrezze had devoted himself to his law practice and to his beloved hobby, racing Legends cars. He had just placed third in a race at Shady Bowl Speedway near DeGraff when his fatal heart attack occurred.

Celebrezze may not have won every race he entered. but he was a winner in every way that counted, as a man and as a public servant.

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

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

INADEQUATE FUNDING FOR VITAL PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 30 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, I would probably not go beyond the 30 minutes, and I will yield to my friend, the gentleman from Illinois (Mr. EMANUEL), so he will be able to pick it up right after that.

Let me take this opportunity tonight to, first of all, talk about the issue of Labor-HHS, Education appropriations bills that includes, as far as I am concerned, a very inadequate funding level for education, for health care, for job training, and other vital programs.

This administration and this President went around the country, Mr. Speaker, and talked about education being his first priority. Well, we have gotten a great deal of lip service, but we have not received the resources to fund the education bill that he himself authored, an education bill that is more than $8 billion behind in the lack of funding. And I would be ashamed to go back to the taxpayers and to our constituencies throughout this country and talk about the fact that he passed a tax bill, a very irresponsible tax bill, and at the same time has not been responsive about meeting the needs in education and health care.

H.R. 2660 fails to meet the education and health care needs of our Nation's working families. Although the No Child Left Behind Act was recently enacted and aimed at promising fulfilling the funding of the education bill, there would be a shortchange, as indicated, for 2004 of $8 billion. In fact, this legislation would provide inadequate resources for vital Federal education programs such as Title I and such as special education.

In Texas, Mr. Speaker, since I know the gentleman is from Texas, we need some additional resources in special ed since in that particular area we basically allow the local communities to take the burden since the Federal Government has mandated a lot of the needs in those specific areas, but it has failed to provide the resources.

In Pell grants in this particular bill, when our kids have tuition rates that have gone high and continue to increase, we are deciding that we do not want to fund the Pell grants at the same levels. These are the grants and resources that our students throughout the country need in order to continue their education. Moreover, this legislation would provide little or no funding increases for health programs that assist some of the most vulnerable members of our society including the Maternal and Child Health Block Grant program and most also the Ryan White AIDS Care program. The Ryan White AIDS program is one that provides assistance for the area of AIDS. And in Texas, Mr. Speaker, we have a disproportionate numbers of Latinos and Africans who are now being hit with AIDS where we still need the resources. In fact, within the Latino community there are a lack of priority programs and especially community-based programs that are needed in order to reach out to the special population.

H.R. 2660 would also fail to increase job training opportunities for our Nation's workers, especially at a time when we ought to be investing in ourselves, investing in our workers to make sure that they have the skills in order to compete in this global economy. We are choosing not to do that.

Despite our Nation's ongoing economic recession and higher unemployment rates, we have the largest unemployment rate among Hispanics of 8.2 in 9 years, and it has not taken this administration much to get it at that level in the last 2½ years.

This legislation provides no funding for increases for adults' and dislocated workers' training programs that would help the unemployed and the underemployed workers throughout this country to develop the skills that are needed to compete in this global economy. It would provide no funding to increase the Occupational and Safety and Health Administration to help protect workers that are injured and die on the jobs, despite the steep increases that we have seen in fatalities of those that are working out there, and especially among Latinos. It would also eliminate funding for the Department of Labor, international initiatives that help foreign countries fight child labor, education for HIV/AIDS and develop core labor standards.

I have heard arguments that people still argue that we are still supportive of fighting child labor, but we are unwilling to provide the resources, we are unwilling to help internationally for those countries that abuse our children and use them as child labor. This administration has failed to respond in the issues of education, in the issues of health care, in the issues of the economy and in the issues of immigration.

And as I recall, this President went around the country and talked about Latin America, and he talked about the fact that he was going to be there and that his first priority internationally was also Latin America. Well, you talk to anyone in Latin America, they have not seen him since he got elected, and they have not heard anything about him. And so it was good to see today, and I was elated and I feel hopeful today, when we met with the Democratic Senate and the Senators, that we have a joint effort in working with

them. We know now and we have decided to come together and to come together to talk about the importance of not only the Latino community, but the entire community when it comes to economic empowerment, of looking at the fact that we have to begin to work on the unemployment rate, unemployment that is continuing to grow under this administration.

We have to make sure that small businesses have access to capital that is drastically needed. That is something that is critical. Small business is what makes America. Small business is where 80 percent of Americans are working, and we are beginning to look at that, and we look forward to working on turning the economy around.

We are also looking at specifically some proposals that deal with educational opportunities. This administration, this President, has zeroed in on Head Start, a program that has been a great program, a program that has worked. And he has chosen first, he proposed to change it from the Department of Health to the Department of Education. And we said, Why, why? Here is a program that all the research says that it is working. Why mess with it? The only thing that I can come to a conclusion is that he is choosing to try to destroy it.

Secondly, now he chose to put it into the form of a block grant. Well, the reason we have Head Start is because States like Texas that I come from and that the Speaker tonight comes from have failed to fund even full-day kindergarten. In the State of Texas we only fund half a day. We hold the local communities accountable for the other half a day. Now we expect them to provide Head Start to a State that has been unwilling to even provide full-day kindergarten? I do not think so.

This administration has asked and recommended that we begin to put this as a form of a State grant. And those States like Texas are salivating at the possibility of getting their hands on those monies that are out there not for addressing the needs of our constituents in terms of those youngsters that need those resources, but for other priorities that they might personally have. So Head Start has been a program that has been there.

I will remind all Texans and all Americans that this President said he favored education, that he was going to concentrate on education. Well, to this day we have not seen that. We have seen No Child Left Behind at the expense of all the kids that he has left behind. And so he chose not to fund it appropriately, and that is not appropriate. He has chosen not to look at higher education and the importance of those Pell grants and the importance of allowing those opportunities of those youngsters to be able to reach that American dream of being able to get to college and be able to afford a college education. We have to make sure that we do that.

When it comes to health care, this administration has also talked about responding to the needs of those senior citizens in health care, and he has failed to meet this. We have worked on a bill that looks at the disparities that confront Latino Americans as well as others, as it deals with diabetes, that we have to address.

We have to also look at the uninsured. Texas has the largest number of uninsured, and at one time we used to say, thank God for Mississippi and Illinois. Well, now the Texas House is controlled by Republicans on both sides, and I am sure that the people from Mississippi and Illinois are going to say, thank God for Texas, because we are probably going to be on the bottom of the totem pole. When it comes to uninsured, the largest number of uninsured comes from Texas. These are hard-working Texans. If you work in rural Texas, you work for a small company. If you do not work for the government, you do not have access to insurance. They do not have access to HMOs. HMOs have left rural Texas and abandoned us. This administration continues to push forward on these agendas that do not meet the needs of our constituencies, that do not meet the problems that confront us.

In addition to that, this administration promised that they would start working on immigration. We have not heard anything since. We need to make sure in the issue of immigration that those individuals that are out there working and that are paying their taxes, we ought to reach out to them and begin the process of legalization.

And so as we look forward, I want to thank my colleagues, and I want to yield because I did promise that a little bit before 8:00 that I would have an opportunity to yield and leave and let my fellow colleague continue for the next 30 minutes or so because I know he has a flight.

But I did want to come tonight and say how disappointed that I was with the passage of this piece of legislation that is a step backward and does not address the needs of our constituency; and, secondly, how elated I am that the Texas Senate Democrats who are out there working with us and making things happen.

Mr. Speaker, I yield to you with the understanding that I think that you will be yielding to my colleague.

LOWERING PRESCRIPTION DRUG PRICES FOR SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. EMANUEL) is recognized for 45 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, before I begin, I want to thank my colleague from Texas not only for his generosity of providing this time, but for the passion that he brings to education and to working families of all ilks, and the eloquence he brought to the words about the importance of education as the stepladder to the American dream.

So I want to thank him now for the generosity he provided so I can be with my family this evening and catch the last flight, and for his passion and tireless work on behalf of all Americans. Texas is lucky to have you as a Representative and a voice; not only a vote, but a voice for their values.

Mr. Speaker, about 2 weeks ago a number of us came to the floor to speak on market access, and that is the ability of Americans to purchase medications anywhere in Canada, Ireland, England, France, Germany, Italy, wherever they get the cheapest price.

□ 2000

Since the last time that my good friend from Minnesota and I were here, there was a report yesterday by Families USA that ABC news covered and the Wall Street Journal covered, and I would like to bring that statistic to the attention of the American people. It reaffirmed a disturbing trend about skyrocketing prescription drug prices in the United States.

On average, the prices of the 50 drugs most commonly prescribed to seniors increased at a three-and-a-half times rate of inflation. The total spending of senior citizens on prescription drugs rose an estimated 44 percent from 2000 to 2003, when inflation was only running at collectively over those periods of time of 6 percent. Now we are projected to spend over the next 10 years $1.8 trillion by our seniors on their medications, and yet when we think about those dollars, the American elderly spend somewhere between 30 to 300 percent higher in prices than the senior citizens of France, England, Germany, Canada, Denmark, any of the G–8 countries and our colleagues in Europe.

My good friend from Minnesota has brought a bill into play that allows our American consumer, our American elderly, our businesses and, most importantly, our taxpayers to get the use of market forces to reduce those prices, bring real competition and the close market that our pharmaceutical companies have brought and bring competition that would save billions of dollars to the consumer and, most importantly, to the taxpayer.

To me, if we are going to have the largest expansion of an entitlement in 40 years, spend $400 billion, you would think you would want to get the taxpayer the best price, but the pharmaceutical companies have done a pretty good job of playing the political system to their benefit, and they have tried to prevent us from getting this bill to the floor, because if we got the bill to the floor, they would know what happens.

In my view, this is not only good for the seniors, they would get good prices, but it would be fair to the taxpayers who are going to be asked to pay this bill.

So my friend from Minnesota has a wonderful bill. I think he has been here many times to explain his chart about

comparative prices. I would like to yield now some time to him to talk, and then I would like to ask some questions, if he does not mind.

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

Mr. EMANUEL. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from Illinois, and I want to make a special point. This is time on the Democrats today. We have Democrats and Republicans that are agreed on this because, as I said in the past, this is not a matter of right versus left. It is a matter of right versus wrong, and it is simply wrong to require that Americans pay the world's highest prices for prescription drugs, even though we are the world's best customers.

In virtually every other area that you can imagine, the best customers get the best prices, but that is not true in prescription drugs, and I began to research this story about 5 years ago, and the more I learned, the more upsetting and compelling this story really is.

The story is that Americans are really held captive, and anytime you have a captive market, it is absolutely predictable that you are going to see the world's highest prices.

I want to give you a few examples from this chart. I apologize, this chart is kind of hard to read, but I will show you some of the examples, and I will give you the total, because I was in Germany 2 months ago, and we bought 10 of the most commonly prescribed prescription drugs. What you see here on the chart is the prices that we paid in Munich, Germany, and what those prices would be for the same drugs, same quantities, same milligrams, here in the United States. Let me give you a few of those examples.

This is a drug called Coumadin. It is a blood thinner, actually developed at the University of Wisconsin veterinarian schools, and actually originally developed as a rat poison, but in the United States, this box of drugs would sell for $89.95. In Germany we bought the drug for $21.

Here is another drug, Glucophage, made by Merck. It is a very effective drug for diabetes. A 30-tablet, 850-milligram package in the United States, $29.95. You can buy that same package, this package of drugs we bought in Munich, Germany, for $5.

The story goes on. Zocor, commonly prescribed drug, a very effective drug, the United States price, $89.95. You can buy that drug in Germany for $41.20.

The grand total of these 10 drugs in Germany was $373.30 American, but if we went down to buy them here in Washington, D.C., or almost any city in America, the price would be $1,039.65.

Mr. EMANUEL. Those are the same drugs? I did not mean to interrupt my colleague. Same medication, nothing different?

Mr. GUTKNECHT. In fact, in many of the cases, I believe these drugs were made in the same plants, and they are shipped around the world.

All we really are saying in our bill is let us do with prescription drugs essentially what we do with every other product, and that is allow market forces to work to make certain that Americans are not held captive, and as I have said, I think Americans should pay their fair share, but I do not think we should be required to subsidize the starving Swiss.

We also have a colleague with us tonight, my good friend from North Carolina (Mr. JONES) who has joined us tonight, and he has been a strong proponent of opening markets and finding ways to get cheaper prescription drugs not just for senior citizens, but for all Americans. Ultimately we are going to have a prescription drug benefit for the taxpayers as well, and I would yield, if I could, a few minutes to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. EMANUEL. I yield to the gentleman from North Carolina.

(Mr. JONES of North Carolina asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. JONES of North Carolina. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. EMANUEL) for being on the floor tonight and allowing me to be part of this because I think, as both have said, this is not a political partisan issue, because we have on my colleague's bill numerous Republicans and Democrats who have joined to open markets up to the citizens, not just senior citizens, but they are the first in our mind, but citizens that can buy drugs at a much cheaper price and still have the same quality.

I must tell my colleagues, I represent the 3rd Congressional District of North Carolina. It is a great district for me to represent, and every time I do a town meeting, I am not kidding you, for the last 3 years they have said to me, Congressman, what are y'all going to do in Washington to help bring the costs down? I am talking about senior citizens who are 65 and 70 and 80, and many of these people truthfully are living on a very small amount of money, Social Security and what they might receive from Medicare.

It bothers me to know that we who are sent here by the people, and they trust us to do what is right, and many times politics gets such that we have people that participate in the process, which is good that we do, not just voting, but also contributing to candidates and to parties, and I am afraid that this issue really has gotten bottled up into an area that concerns me greatly.

If I might take just a moment, and then I will yield back to the gentleman from Illinois. We have a dear friend that came with us in 1994. That was the year that the Republicans took over the House. His name is Tom Coburn. He is an M.D., and Tom retired 3 or 4 years ago, and quite frankly, we miss him if he should be watching tonight. We miss him in many ways.

But as my colleagues well know, both you gentlemen know that certain prolife groups have gotten involved in this issue who are opposed to your legislation, and I hate to say it, but I am afraid there might be some outside group helping them fight your legislation. I will let you and the gentleman from Illinois maybe pick up on that in a minute, but let me read, and I will submit this entire letter for the RECORD, but I want to read two paragraphs very quickly.

This is to the gentleman from Minnesota (Mr. GUTKNECHT). It says: ''Dear Gil: I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the 'Pharmaceutical Market Access Act of 2003,' somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486.''

Second paragraph and last one, ''As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA approval of RU–486.''

Tom Coburn again, ''As a prolife practicing physician who earned a 100 percent prolife voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.''

I will insert the entire letter at this point.

JULY 10, 2003.

Hon. GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR GIL: I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the ''Pharmaceutical Market Access Act of 2003'' somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486.

As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA approval of RU–486. As a pro-life practicing physician who earned a 100 percent pro-life voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.

I can state unequivocally that your legislation in no way, shape, or form promotes abortion. (Many pro-life members are original cosponsors of your legislation and, quite obviously, do not believe your bill violates their deeply held convictions about the sanctity of life.) Those who argue that your legislation makes abortion drugs more accessible by lowering overall drug prices necessitate the conclusion that in order to be pro-life one must be in favor of increasing all drug costs. I suppose the argument would be the higher the drug costs the more fervent your pro-life beliefs.

In Washington, it was always sad to see organizations drift from their core principles

and take positions that defied common sense and logic. Any organization that links your legislation with the abortion debate will, in the long-term, undermine their credibility and relevancy in Washington. While the pharmaceutical industry has produced many wonderful life-saving drugs, it would be unwise for anyone to believe that the industry that developed and fought for FDA approval of RU–486 is now motivated by a passion for the pro-life cause.

The fact that opponents of your legislation have resorted to these attacks is shameful, yet the obtuseness of their logic ultimately serves to highlight the soundness of your argument.

Sincerely yours,

TOM A. COBURN, M.D.,
Former Member of Congress.

I want to share that with you and Mr. EMANUEL just to say that this is a very critical, vital issue to the senior citizens and also the people of this country who must have drugs to have a quality of life.

Mr. EMANUEL. Mr. Speaker, reclaiming my time, you should take a little solace in the fact that they have decided to go to scare tactics because they know this is not about price controls. This is about letting the market determine the price that we can pay, and they are scared of the free market. This is a large company that has a captive market and is scared of the forces of the free market to determine the best price. So they have decided to through a few Members try to play the worst and ugliest of politics because on the merits they cannot win it, and I compliment you for having the courage to stand by your principles.

I would like to make a note to something earlier that our good friend the gentleman from Minnesota (Mr. GUTKNECHT) said which deals with the fact that we are Democrats and Republicans here. We give different views on different subjects, but the fact is what has brought us here is our common principles and our common values, and this is a bipartisan issue because we jointly think that our seniors should not be paying the highest price, and our taxpayers should not be asked to pay the highest price when you can get lower prices.

As our colleague from Minnesota showed with that chart, although people cannot see the specific numbers, they get the basic gist that there is a 700-buck spread for the same drugs you buy in Germany versus what we buy here.

You do not have to have a party difference to understand it is fundamentally wrong. It is not right, and we cannot ask the taxpayers as we embark maybe on the largest expansion of an entitlement program in 40 years to foot a bill that would be, in my view, the greatest, largest fleecing of America in front of the naked eye.

So the pharmaceutical companies have decided to engage in this scare tactic because on the merits and on the ground they cannot win this.

I would like to ask one question because they are engaged in one other subject up here. If the gentleman from Minnesota (Mr. GUTKNECHT) could walk the folks through that are watching the notion of safety, just to walk them through this, because that is another scare tactic. This is the first of many salvos. We are not done with their attacks, if you do not mind me interrupting, but I would like you to walk the public through the issue of safety.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman from Illinois, and I thank my colleague from North Carolina as well.

One of the arguments that they are making is this is not safe, you cannot be reimporting or importing or opening markets to these drugs. And once again, let me say, first of all, we are only talking about FDA-approved drugs from FDA-approved facilities, number one.

Number two, what more and more of the companies are coming out with, and we require in our legislation, and that is, they begin to develop counterfeit-proof packaging, tamper-proof, counterfeit-proof packaging.

The other thing people need to understand is we are not saying people have to do this. This is their option. We want to make certain that they are not treated like common criminals, because right now seniors are doing this. There was a study done by a University of Texas professor. A million Americans right now are crossing the border to buy their prescription drugs, and they have no assurance, no tamper-proof packaging, and worse than that, they are treated like common criminals by their own government.

So we want to make it safer. We actually want to put in a regimen, a plan, so that people can do this and their pharmacists can do this, because my vision is people ought to be able to go to the local pharmacist, and he ought to be able to shop for the best price on the best drugs. It is called parallel trading. That is what they do in Europe, and it is why they get cheaper prices than we do here in the United States.

We are concerned about safety, too. I do not want people dying from taking contaminated drugs, but remember this: Every day we import thousands of tons of food. Last year we imported 318,000 tons of plantains, and so if someone wants to tamper with things that go into people's mouths, they are more likely to do it with food products than they are with something that comes in a tamper-proof, counterfeit-proof package.

Mr. EMANUEL. Mr. Speaker, I appreciate that. So what you are saying is that unless it is FDA-approved, it cannot come in, and it is FDA-approved, meaning the Food and Drug Administration, which is the overseer, the czar of what is safe, approves it, then it can be purchased through the Internet or overseas and brought into the United States, because, as you said earlier, it is manufactured at the same facilities. So there is really no pricing differences except they get price differences there than here. So they are FDA-approved.

Mr. GUTKNECHT. We are only talking about FDA drugs, and more importantly than that, you are correct. There are only, as I am told, about 600 facilities in the world that can produce FDA-approved drugs, and so that is the only drugs that we would permit, and we believe that a program can be established very easily using modern technology so that we can be as certain that these drugs are, in fact, Coumadin or Glucophage from an FDA-approved facility.

□ 2015

We can be just as assured of that even if we get the drugs from Geneva, Switzerland, or from right down the street. We want safe drugs. We want seniors to be safe. And I think we have the plan that will do that.

Mr. EMANUEL. Mr. Speaker, both of my colleagues we were talking a little earlier; and perhaps you could address the question, what do you think, given they have projected, I think it is $1.8 trillion over the next 10 years that seniors will be spending on medications, but if we had access to this bill and it was in place, what would be the savings to both the elderly as well as to the taxpayer, projected?

Mr. GUTKNECHT. Mr. Speaker, the gentleman is correct. The Congressional Budget Office, which are our official bean counters, if you will, have estimated that seniors in the United States over the next 10 years will spend $1.8 trillion on prescription drugs. We can see by this chart, and I think we were very conservative, we estimate that if we simply open markets, as we do with plantains and with prunes and with pork bellies, if we just open up the markets as we do with everything else, we will see prices in the United States drop by at least 35 percent. Well, 35 percent of $1.8 trillion is $630 billion that we will save American consumers and/or taxpayers.

If I can give just one more example. We had an Inspector General who testified before the Committee on the Budget just yesterday, her name was Dara Corrigan, and she estimated, and these are her numbers not mine, but her numbers were that last year Medicare through the hospitals bought $8.2 billion worth of prescription drugs. If they could have bought those drugs at the same price that the VA buys those drugs, her estimate was that taxpayers would have saved $1.9 billion last year.

Now, my assertion is that if we open up the markets, we are going to save the VA, we are going to save Medicare, we are going to save Medicaid, we are going to save consumers, we are going to save corporations.

Last year, General Motors spent $1.3 billion on prescription drugs. Imagine how much they could save if they had access to world market prices.

Mr. EMANUEL. The truth is, Mr. Speaker, that we had an original bill that was going to use market forces to

bring competition between generic medications versus name-brand medications. That was projected to save the taxpayers and the consumers and the elderly $65 billion over 10 years. This concept, following that same principle of competition as the price reducer, let the market determine best price, would bring, I think the gentleman just said, a little over a half trillion dollars to the consumers, the elderly, over the next 10 years. It is using market forces.

Bringing that competition to bear on the market, that would bring prices down, and no longer would the American elderly and the American taxpayer be seen as the profit guinea pig for our pharmaceutical companies. They are making up the difference where they cannot get it in Germany or in England. They are making it up, the price difference, their profit margins, on our elderly. Therefore, our taxpayers are being asked to foot the bill in one of the largest fleecings of the American people we will ever see.

The principles of competition will bring prices down, I think. Pharmaceutical companies have gamed the system from the patent laws, the laws as it relates to competition and globalization, and through the tax laws. As my colleagues know, we had a provision which was to allow the NIH to recoup 10 percent on any drug that was developed and brought to market through NIH dollars. My view is anything below 30 percent in the private market is considered dumb money. The taxpayers, all the cancer drugs, all the AIDS drugs on the market were developed with taxpayer-based research. We should be recouping a minimum of 10 percent to the taxpayers. The NIH would be a self-funded agency in 10 years.

But the core of what we have, the biggest dollar saver is the gentleman's amendment that we are honored to be cosponsors of. Again, this is not price control; it is choice. If you bring choice to bear in the market, consumers will flock to the lowest price, and I think that is the basic principle why you have Democrats and Republicans ready to vote for this, if we could get it to the floor.

Mr. GUTKNECHT. I would just simply say that I hope we can have a vote. This is the people's House. Vox popolurum est vox dei, the voice of the people is the voice of God. There is where the people's business should be done. Occasionally we have partisan differences and we vote differently, but this is one that crosses party lines. It is not a matter of right versus left; it is right versus wrong. It is wrong for Americans to be held captive.

Mr. JONES of North Carolina. Mr. Speaker, if my colleagues will yield, I would say that the comments of both these gentlemen are correct. Free markets are more powerful than armies, and I think my colleague's quote from former President Ronald Reagan, and everything else that has been said tonight by my friend, is so true. The whole thing is that this is a critical issue to so many people throughout this country and we need to do what is right. The right thing to do is to look at the gentleman's bill, put this bill on the floor, let it be debated, let it pass or fail, but do not bottle this bill up. Too many people throughout this country need this relief.

And so, Mr. Speaker, I want to thank my colleagues, and I yield back to the gentleman from Illinois.

Mr. EMANUEL. Well, Mr. Speaker, before I try to catch that last flight, when I was running for office and I was in Six Corners Jewel, which is our big grocery store with the Osco, on Irving and Organza, seniors would come out and show me what they were paying and they told me the stories about how they cut their medications in half, or a husband would skip a month so his spouse could take her medications. And the first thing they said is, you have to make this affordable. I have to be able to pay for this. They would talk about that, and ask me to make sure that whatever we did, we did not mess with their private plans. But then they would say, please, add a prescription drug benefit to Medicare.

In my view, if we are on the doorstep of adding that benefit, let us ensure, because it is the first thing they have all said to every one of us who has gone to meet with them, we have to make these drugs affordable. They cannot afford these prices. They would tell me, look, somehow last month my month's supply was $70 and this month it is $96, and nothing has changed. Nothing. If we brought competition, something would change.

Mr. GUTKNECHT. Absolutely. I know the gentleman wants to catch his plane, but I just want to say this. Regardless of what happens in the next week or two, we are not going to go away. This issue will not go away. We will stay here, on a bipartisan basis, every night for the next 6 months, 9 months, 3 years. We are not going away. The issue is not going to go away.

There is no way that our leadership, the administration, the FDA, the drug companies can defend a situation where Americans pay two and a half times more for the same drugs than our counterparts in Germany. I am not going to give up, my colleagues here tonight are not going to give up, and God bless you all.

LIMITED GOVERNMENT

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the modern-day limited government movement has been co-opted. The conservatives have failed in their effort to shrink the size of government. There has not been, nor will there soon be, a conservative revolution in Washington. Party control of the Federal Government has changed, but the inexorable growth in the size and scope of government has continued unabated. The liberal arguments for limited government in personal affairs and foreign military adventurism were never seriously considered as part of this revolution.

Since the change of the political party in charge has not made a difference, who is really in charge? If the particular party in power makes little difference, whose policy is it that permits expanded government programs, increased spending, huge deficits, nation-building, and the pervasive invasion of our privacy with fewer fourth amendment protections than ever before?

Someone is responsible, and it is important for those of us who love liberty and resent Big Brother government to identify the philosophic supporters who have the most to say about the direction our country is going. If they are wrong, and I believe they are, we need to show it, alert the American people, and offer a more positive approach to government.

However, this depends on whether the American people desire to live in a free society and reject the dangerous notion that we need a strong central government to take care of us from cradle to grave. Do the American people really believe it is the government's responsibility to make us morally better and economically equal? Do we have a responsibility to police the world while imposing our vision of good government on everyone else in the world with some form of utopian nation-building?

If not, and the contemporary enemies of liberty are exposed and rejected, then it behooves us to present an alternative philosophy that is morally superior and economically sound and provides a guide to world affairs, to enhance peace and commerce. One thing is certain, conservatives who worked and voted for less government in the Reagan years and welcomed the takeover of the U.S. Congress and the Presidency in the 1990s and early 2000s were deceived. Soon they will realize that the goal of limited government has been dashed and that their views no longer matter.

The so-called conservative revolution of the past 2 decades has given us massive growth in government size, spending and regulations. Deficits are exploding and the national debt is now rising at greater than a half trillion dollars per year. Taxes do not go down, even if we vote to lower them. They cannot, as long as spending is increased, since all spending must be paid for one way or another.

Both Presidents Reagan and the elder George Bush raised taxes directly. With this administration so far, direct taxes have been reduced, and they certainly should have been. But it means little if spending increases and deficits rise. When taxes are not raised to accommodate higher spending, the bills

must be paid for by either borrowing or printing new money. This is one reason why we conveniently have a generous Federal Reserve chairman who is willing to accommodate the Congress with borrowing and inflating the taxes delayed and distributed in a way that makes it difficult for those paying the tax to identify it.

Like future generations and those on fixed incomes who suffer from rising prices, and those who lose jobs, they certainly feel the consequence of economic dislocation this process causes. Government spending is always a tax burden on the American people and is never equally or fairly distributed. The poor and low middle-income workers always suffer the most from the deceitful tax of inflation and borrowing. Many present-day conservatives who generally argue for less government and supported the Reagan-Gingrich-Bush takeover of the Federal Government are now justifiably disillusioned. Although not a monolithic group, they wanted to shrink the size of government.

Early in our history, the advocates of limited constitutional government recognized two important principles: the rule of law was crucial, and a constitutional government must derive just powers from the consent of the governed. It was understood that an explicit transfer of power to government could only occur with power rightfully and naturally endowed to each individual as a God-given right. Therefore, the powers that could be transferred would be limited to the purpose of protecting liberty.

Unfortunately, in the last 100 years, the defense of liberty has been fragmented and shared by various groups with some protecting civil liberties, others economic freedom, and a small diverse group arguing for a foreign policy of nonintervention. The philosophy of freedom has had a tough go of it, and it was hoped that the renewed interest in limited government of the past 2 decades would revive an interest in reconstituting the freedom philosophy into something more consistent.

Those who worked for the goal of limited government power believed the rhetoric of politicians who promised smaller government. Sometimes it was just plain sloppy thinking on their part, but at other times they fell victim to a deliberate distortion of a concise limited government philosophy by politicians who misled many into believing that we would see a rollback on government intrusiveness.

Yes, there was always a remnant who longed for truly limited government and maintained a belief in the rule of law combined with a deep conviction that free people and a government bound by a constitution were the most advantageous form of government.

□ 2030

They recognized it as the only practical way for prosperity to be spread to the maximum number of people while promoting peace and security.

That remnant, imperfect as it may have been, was heard from in the elections of 1980, 1994, and then achieved major victories in 2000 and 2002 when professed limited government proponents took over the administration, Senate and the House. However the true believers of limited government are now shunned and laughed at. At the very least, they are ignored except when they are used by the new leaders of the right, the new conservatives now in charge of the U.S. Government.

The remnant's instincts were correct, and the politicians placated them with talk of free markets, limited government, and a humble non-nation-building foreign policy. However, little concern for civil liberties was expressed in this recent quest for less government. Yet for an ultimate victory of achieving freedom, this must change. Interest in personal privacy and choices has generally remained outside the concern of many conservatives, especially with the great harm done by their long-time support of the drug war.

Even though some confusion has emerged over our foreign policy since the breakdown of the Soviet Union, it has been a net benefit in getting some conservatives back on track with a less militaristic interventionist foreign policy. Unfortunately, though, after 9/11 the cause of liberty suffered a setback. As a result, millions of Americans voted for the less than perfect conservative revolution because they believed in the promises of the politicians. Now there is mounting evidence to indicate exactly what happened to the revolution. Government is bigger than ever, and future commitments are overwhelming. Millions will soon become disenchanted with the new status quo delivered to the American people by the advocates of limited government and will find it to be just more of the old status quo.

Victories for limited government have turned out to be hollow indeed. Since the national debt is increasing at a rate greater than a half trillion per year, the debt limit was recently increased by an astounding $984 billion. Total U.S. Government obligations are $43 billion, while total net worth of all U.S. households is just over $44 trillion. The country is broke, but no one in Washington seems to notice or care. The philosophic and political commitment for both guns and butter, and especially the expanding American empire, must be challenged. This is crucial for our survival.

In spite of the floundering economy, the Congress and the administration continues to take on new commitments in foreign aid, education, farming, medicine, multiple efforts at nation-building and preemptive wars around the world. Already we are entrenched in Iraq and Afghanistan with plans to add new trophies to our conquests. War talk abounds as to when Syria, Iran, and North Korea may be attacked.

How did this all transpire? Why did the government do it? Why have the people not objected? How long will it go on before something is done? Does anyone care? Will the euphoria of grand military victories against non-enemies ever be mellowed?

Someday we as a legislative body must face the reality about the dire situation in which we have allowed ourselves to become enmeshed. Hopefully it will be soon. We got here because ideas do have consequences. Bad ideas have bad consequences. Even the best of intentions have unintended consequences. We need to know exactly what the philosophic ideas were that drove us to this point; then hopefully reject them and decide on another set of intellectual parameters.

There is abundant evidence exposing those who drive our foreign policy justifying preemptive war. Those who scheme are proud of their achievements in usurping control over foreign policy. These are the neoconservatives of recent fame. Granted, they are talented and achieved a political victory that all policymakers must admire, but can freedom and the Republic survive this takeover? That question should concern us.

Neoconservatives are obviously in positions of influence and are well placed throughout our government and the media. An apathetic Congress put up little resistance and abdicated its responsibility over foreign affairs. The electorate was easily influenced to join in the patriotic fervor supporting the military adventurism advocated by the neoconservatives.

The numbers of those who still hope for truly limited government diminished and had their concerns ignored during these past 22 months during the aftermath of 9/11. Members of Congress were easily influenced to publicly support any domestic policy or foreign military venture that was supposed to help reduce the threat of a terrorist attack. Believers in limited government were harder to find. Political money, as usual, played a role in pressing Congress into supporting almost any proposal suggested by the neoconservatives. This process, where campaign dollars and lobbying efforts affect policy, is hardly the domain of any single party; and, unfortunately, is the way of life in Washington.

There are many reasons why government continues to grow. It would be naive for anyone to expect otherwise. Since 9/11, protection of privacy, whether medical, personal or financial, has vanished. Free speech and the fourth amendment have been under constant attack. Higher welfare expenditures are endorsed by the leadership of both parties. Policing the world and nation-building issues are popular campaign targets, yet they are now standard operating procedures here in Washington. There is no sign that these programs will be slowed or reversed until either we are stopped by force overseas, which will not be soon, or we go broke and can no longer afford

these grandiose plans for a world empire, which will probably come sooner than later.

None of this happened by accident or coincidence. Precise philosophic ideas prompted certain individuals to gain influence to implement these plans. The neoconservatives, a name they gave themselves, diligently worked their way into positions of power and influence. They documented their goals, strategy and moral justification for all they hoped to accomplish. Above all else, they were not and are not conservatives dedicated to limited constitutional government.

Neoconservatism has been around for decades and strangely has connections to past generations as far back as Machiavelli. Modern-day neoconservatism was introduced to us in the 1960s. It entails both a detailed strategy as well as a philosophy of government. The ideas of Teddy Roosevelt and certainly Woodrow Wilson were quite similar to many of the views of the present-day neocons. Neocon spokesman Max Boot brags that what he advocates is ''hard Wilsonianism.'' In many ways there is nothing neo about their views, and certainly nothing is conservative. Yet they have been able to co-opt the conservative movement by advertising themselves as a new or modern form of conservatism.

More recently, the modern-day neocons have come from the far left, a group historically identified as former Trotskyists. Liberal Christopher Hitchins has just recently joined the neocons. It has been reported that he has already been to the White House as an ad hoc consultant.

Many neocons now in position of influence in Washington can trace their status back to Professor Leo Strauss of the University of Chicago. One of Strauss' books was ''Thoughts on Machiavelli.'' This book was not a condemnation of Machiavelli's philosophy. Paul Wolfowitz got his Ph.D. under Strauss. Others closely associated with these views are Richard Perle, Eliot Abrams, Robert Kagan, and William Kristol. All are key players in designing our new strategy of preemptive war. Others include Michael Ledeen of the American Enterprise Institute, former CIA Director James Woolsey, Bill Bennett of ''Book of Virtue'' fame, Frank Gaffney, Dick Cheney and Donald Rumsfeld. There are just too many to mention who are philosophically or politically connected to the neocon philosophy in some varying degree.

The godfather of modern-day neoconservatism is considered to be Irving Kristol, father of Bill Kristol, who set the stage in 1983 with his publication ''Reflections of a Neoconservative.'' In this book Kristol also defends the traditional liberal position on welfare.

More important than the names of people affiliated with neoconservative are the views they adhere to. Here is a brief summary of the general understanding of what neocons believe. They agree with Trotsky on permanent revolution, violent as well as intellectual. They are for redrawing the map of the Middle East, and are willing to use force to do it. They believe in preemptive war to achieve desired ends. They accept the notion that the ends justify the means, that hard-ball politics is a moral necessity. They express no opposition to the welfare state. They are not bashful about an American empire; instead, they strongly endorse it. They believe lying is necessary for the state to survive. They believe a powerful Federal Government is a benefit. They believe pertinent facts of how a society should be run should be held by the elite and withheld from those who do not have the courage to deal with it. They believe neutrality in foreign affairs is ill-advised. They hold Leo Strauss in high esteem. They believe imperialism, if progressive in nature, is appropriate.

Using American might to force American ideas on others is acceptable, force should not be limited to the defense of our country, and 9/11 resulted from the lack of foreign entanglements, not from too many. They dislike and despise libertarians. Therefore, the same applies to all strict Constitutionalists. They endorse a tax on civil liberties such as those found in the PATRIOT Act as being necessary. They unconditionally support Israel and have a close alliance with the Likud Party.

Various organizations and publications of the past 30 years have played a significant role in the rise to power of the neoconservatives. It took plenty of money and commitment to produce the intellectual arguments needed to convince the many participants in the movement of its respectability.

It is no secret, especially after the rash of research and articles written about the neocons since our invasion of Iraq, how they gained influence and what organizations were used to promote their cause. Although for decades they agitated for their beliefs through publications like The National Review, Weekly Standard, The Public Interest, The Wall Street Journal, Commentary and The New York Post, their views only gained momentum in the 1990s following the first Persian Gulf War, which still has not ended. They became convinced that a much more militant approach to resolving all of the conflicts of the Middle East was an absolute necessity, and they were determined to implement that policy.

In addition to publications, multiple think tanks and projects were created to promote their agenda. A product of the Bradley Foundation, the American Enterprise Institute led the neocon charge, but the real push for war came from the project for a New American Century, another organization helped by the Bradley Foundation. This occurred in 1998 and was chaired by Weekly Standard editor Bill Kristol. They urged early on for war against the Iraq, but were disappointed with the Clinton administration, which never followed through with its periodic bombings. Obviously, those bombings were motivated more by Clinton's personal and political problems than a belief in the neocon agenda.

The election of 2000 changed all that. The Defense Policy Board, chaired by Richard Perle, played no small role in coordinating the various projects and think tanks, all determined to take us to war against Iraq. It was not too long before the dream of empire was brought closer to reality by the election of 2000, with Paul Wolfowitz, Richard Cheney and Donald Rumsfeld playing key roles in this accomplishment. The plan to promote an American greatness imperialistic foreign policy was now a distinct possibility. Iraq offered a great opportunity to prove their long-held theories. This opportunity was a consequence of the 9/11 disaster.

□ 2045

The money and views of Rupert Murdock also played a key role in promoting the neocon views, as well as rallying support by the general population, through his News Corporation, which owns Fox News Network, the New York Post and Weekly Standard. This powerful and influential media empire did more to galvanize public support for the Iraqi invasion than one might imagine. This facilitated the Rumsfeld/Cheney policy as their plans to attack Iraq came to fruition. It would have been difficult for the neocons to usurp foreign policy from the restraints of Colin Powell's State Department without the successful agitation of the Rupert Murdock empire. Max Boot was satisfied as he explained: ''Neoconservatives believe in using American might to promote American ideals abroad.'' This attitude is a far cry from the advice of the Founders who advocated no entangling alliances and neutrality as the proper goal of American foreign policy.

Let there be no doubt. Those in the neocon camp had been anxious to go to war against Iraq for a decade. They justified the use of force to accomplish their goals, even if it required preemptive war. If anyone doubts this assertion, they need only read of their strategy in ''A Clean Break: a New Strategy For Securing the Realm.'' Although they felt morally justified in changing the government in Iraq, they knew that public support was important and justification had to be given to pursue the war. Of course, a threat to us had to exist before the people and the Congress would go along with war. The majority of Americans became convinced of this threat, which in actuality never really existed.

Now we have the ongoing debate over the location of weapons of mass destruction. Where was the danger? Was all this killing and spending necessary? How long will this nation-building and dying go on? When will we become more concerned about the needs of our

own citizens than the problems we sought in Iraq and Afghanistan? Who knows where we will go next? Iran, Syria, North Korea.

At the end of the Cold War, the neoconservatives realized a rearrangement of the world was occurring in that our superior economic and military power offered them a perfect opportunity to control the process of remaking the Middle East.

It was recognized that a new era was upon us and the neocons welcomed Frances Fukuyama's ''end of history'' declaration. To them the debate was over. The West won; the Soviets lost. Old-fashioned communism was dead. Long live the new era of neoconservatism. The struggle may not be over, but the West won the intellectual fight, they reasoned. The only problem is that the neocons decided to define the philosophy of the victors. They had been amazingly successful in their efforts to control the debate over what Western values are and by what methods they will be spread throughout the world.

Communism surely lost a lot with the breakup of the Soviet Empire, but this can hardly be declared a victory for American liberty as the Founders understood it. neoconservatism is not the philosophy of free markets and a wise foreign policy. Instead, it represents big-government welfare at home and a program of using our military might to spread their version of American values throughout the world. Since neoconservatives dominate the way the U.S. Government now operates, it behooves us all to understand their beliefs and goals. The breakup of the Soviet system may well have been an epic event, but to say that the views of the neocons are the unchallenged victors in that all we need do is to wait for their implementation is a capitulation to the controlling of the forces of history that many Americans are not yet ready to concede. There is surely no need to do so.

There is now a recognized philosophic connection between modern-day neoconservatives and Irving Kristol, Leo Strauss and Machiavelli. This is important in understanding that today's policies and the subsequent problems will be with us for years to come if these policies are not reversed.

Not only did Leo Strauss write favorably of Machiavelli, Michael Ledeen, a current leader of the neoconservative movement, did the same in 1999 in his book with the title ''Machiavelli on Modern Leadership, Why Machiavelli's iron rules are as timely and important today as five centuries ago.'' Ledeen is indeed an influential neocon theorist whose views get a lot of attention today in Washington. His book on Machiavelli, interestingly enough, was passed out to Members of Congress attending a political strategy meeting shortly after its publication and at just about the same time ''A Clean Break'' was issued.

In Ledeen's most recent publication, ''The War Against the Terror Masters,'' he reiterates his beliefs he outlined in 1999. He specifically praises: ''Creative destruction . . . both within our own society and abroad . . . (foreigners) seeing America undo traditional societies may fear us, for they do not wish to be undone.'' Amazingly, Ledeen continues: ''They must attack us in order to survive, just as we must destroy them to advance our historic mission.''

If those words do not scare us, nothing will. If they are not a clear warning, I do not know what could be. It sounds like both sides of each disagreement in the world will be following the principles of preemptive war. The world is certainly a less safe place for it.

In ''Machiavelli on Modern Leadership,'' Ledeen praises a business leader for correctly understanding Machiavelli: ''There are no absolute solutions. It all depends. What is right and what is wrong depends on what needs to be done and how.'' This is a clear endorsement of situation ethics and is not coming from the traditional left. It reminds me of ''it depends on what the definition of the word 'is' is.''

Ledeen quotes Machiavelli approvingly on what makes a great leader: ''A prince must have no other objectives or other thoughts or take anything for his craft except war.'' To Ledeen this meant ''. . . the virtues of the warriors are those of great leaders of any successful organization.'' It is obvious that war is not coincidental to neocon philosophy but an integral part. The intellectuals justify it and the politicians carry it out. There is a precise reason to argue for war over peace according to Ledeen, for ''. . . peace increases our peril by making discipline less urgent, encouraging some of our worst instincts, in depriving us of some of our best leaders.'' Peace, he claims, is a dream and not even a pleasant one for it would cause indolence and would undermine the power of the state.

Although I concede the history of the world is a history of frequent war, to capitulate and give up even striving for peace, believing peace is not a benefit to mankind, is a frightening thought that condemns the world to perpetual war and justifies it as a benefit and necessity. These are dangerous ideas from which no good can come.

The conflict of the ages has been between the state and the individual: central power versus liberty. The more restrained the state and the more emphasis on individual liberty, the greater has been the advancement of civilization and general prosperity. Just as man's condition was not locked in place by the times and wars of old and improved with liberty and free markets, there is no reason to believe a new stage for man might not be achieved by believing and working for conditions of peace. The inevitability and so-called need for preemptive war should never be intellectually justified as being a benefit. Such an attitude guarantees the backsliding of civilization. Neocons, unfortunately, claim that war is in man's nature and that we cannot do much about it; so let us use it to our advantage by promoting our goodness around the world through force of arms. That view is anathema to the cause of liberty and the preservation of the Constitution. If it is not loudly refuted, our future will be dire, indeed.

Ledeen believes man is basically evil and cannot be left to his own desires. Therefore, he must have proper and strong leadership, just as Machiavelli argued. Only then can man achieve good, as Ledeen explains: ''In order to achieve the most noble accomplishment, the leader may have to 'enter into evil.'" This is the chilling insight that has made Machiavelli so feared, admired, and challenging. ''. . . we are rotten. It's true that we can achieve greatness if, and only if, we are properly led.'' In other words, man is so depraved that individuals are incapable of moral, ethical, and spiritual greatness, and achieving excellence and virtue can only come from a powerful authoritarian leader. What depraved ideas are these to now be influencing our leaders in Washington? The question Ledeen does not answer is: ''Why do the political leaders not suffer from the same shortcomings and where do they obtain their monopoly on wisdom?''

Once this trust is placed in the hands of a powerful leader, this neocon argues that certain tools are permissible to use. For instance, this is what Ledeen says: ''Lying is central to the survival of nations and to success of great enterprises because if our enemies can count on the reliability of everything you say, your vulnerability is enormously increased.'' What about the effects of lying on one's own people? Who cares if a leader can fool the enemy? Does calling it ''strategic deception'' make lying morally justifiable? Ledeen and Machiavelli argue that it does, as long as the survivability of the state is at stake. Preserving the state is their goal, even if personal liberty of all individuals has to be suspended or canceled.

Ledeen makes it clear that war is necessary to establish national boundaries because that is the way it has always been done. Who needs progress of the human race? He explains: ''Look at the map of the world: national boundaries have not been drawn by peaceful men leading lives of spiritual contemplation. National boundaries have been established by war, and national character has been shaped by struggle, most often bloody struggle.''

Yes, but who is to lead the charge and decide which borders we are to fight for? What about the borders 6,000 miles away unrelated to our own contiguous borders and our own national security? Stating a relative truism regarding the frequency of war throughout history should hardly be the moral justification for expanding the concept of war to settle man's disputes. How can one call this progress?

Machiavelli, Ledeen, and the neocons recognize a need to generate a religious zeal for promoting the state. This, he claims, is especially necessary when force is used to promote an agenda. It has been true throughout history and remains true today, each side of major conflicts invokes God's approval. Our side refers to a ''crusade,'' theirs to a ''holy Jihad.'' Too many wars boil down to their God versus our God. It seems this principle is more a cynical effort to gain approval from the masses, especially those most likely to be killed for the sake of the war promoters on both sides who have power, prestige, and wealth at stake.

Ledeen explains why God must always be on the side of the advocates of war: ''Without fear of God, no state can last long, for the dread of eternal damnation keeps men in line, causes them to honor their promises, and inspires them to risk their lives for the common good.'' It seems dying for the common good has gained a higher moral status than eternal salvation of one's soul. He goes on to say: ''Without fear of punishment, men will not obey laws that force them to act contrary to their passions. Without fear of arms, the state cannot enforce the laws . . . to this end, Machiavelli wants leaders to make the state spectacular.''

It is of interest to note that some large Christian denominations have joined the neoconservatives in promoting preemptive war, while completely ignoring the Christian doctrine of a Just War. The neocons sought and openly welcomed their support.

I would like someone to glean anything from what the Founders said or placed in the Constitution that agrees with this now-professed doctrine of a ''spectacular'' state promoted by those who now have so much influence on our policies here at home and abroad. Ledeen argues that this religious element, this fear of God is needed for discipline of those who may be hesitant to sacrifice their lives for the good of the ''spectacular state.''

He explains in eerie terms: ''Dying for one's country doesn't come naturally. Modern armies, raised from the populace, must be inspired, motivated, indoctrinated. Religion is central to the military enterprise, for men are more likely to risk their lives if they believe they will be rewarded forever after for serving their country.'' This is an admonition that might just as well been given by Osama bin Laden in rallying his troops to sacrifice their lives to kill the invading infidels, as by our intellectuals at AEI, who greatly influence our foreign policy.

□ 2100

Neocons, anxious for the U.S. to use force to realign the boundaries and change regimes in the Middle East, clearly understand the benefit of a galvanizing and emotional event to rally the people to their cause. Without a special event, they realize the difficulty in selling their policies of preemptive war where our own military personnel would be killed. Whether it was the Lusitania, Pearl Harbor, the Gulf of Tonkin or the Maine, all served their purpose in promoting a war that was sought by our leaders.

Ledeen writes of a fortuitous event. He wrote this in 1999. He says, ''Of course, we can always get lucky. Stunning events from outside can providentially awaken the enterprise from its growing torpor and demonstrate the need for reversal, as the devastating Japanese attack on Pearl Harbor so effectively aroused the U.S. from its soothing dreams of permanent neutrality.''

Amazingly, Ledeen is here calling Pearl Harbor a ''lucky'' event. The Project for a New American Century, as recently as September 2000, likewise foresaw the need for ''a Pearl Harbor event'' that would galvanize the American people to support their ambitious plans to ensure political and economic domination of the world while strangling any potential rival.

Recognizing a need for a Pearl Harbor event and referring to Pearl Harbor as being lucky are not identical to support and knowledge of such an event, but this sympathy for a galvanizing event, as 9/11 turned out to be, was used to promote an agenda that strict constitutionalists and devotees of the Founders of this Nation find appalling is indeed disturbing. After 9/11, Rumsfeld and others argued for an immediate attack on Iraq, even though it was not implicated in the 9/11 attacks.

The fact that neoconservatives ridicule those who firmly believe that U.S. interests and world peace would be best served by a policy of neutrality and avoiding foreign entanglements should not go unchallenged. Not to do so is to condone their grandiose plans for an American world hegemony.

The current attention given neocons is usually done in the context of foreign policy, but there is more to what is going on today than just the tremendous influence the neocons have on our new policy of preemptive war with a goal of empire. Our government is now being moved by several ideas that come together in what I call ''neoconism.'' The foreign policy is being openly debated, even if its implications are not fully understood by many who support it. Washington is now driven by old views brought together in a new package.

We know those who lead us, both in the administration and in the Congress, show no appetite to challenge the tax or monetary systems that do so much damage to our economy. The IRS and the Federal Reserve are off limits for criticism or reform. There is no resistance to spending, either domestic or foreign. Debt is not seen as a problem. The supply-siders won on this issue, and now many conservatives readily endorse deficit spending.

There is no serious opposition to expanding the welfare state, with rapid growth of the education, agriculture and medical care bureaucracies. Support for labor unions and protectionism are not uncommon. Civil liberties are easily sacrificed in the post-9/11 atmosphere prevailing in Washington. Privacy issues are of little concern, except for a few Members of Congress. Foreign aid and internationalism, in spite of some healthy criticism of the U.N. and growing concerns for our national sovereignty, are championed on both sides of the aisle. Lip service is given to the free market and free trade, yet the entire economy is run by special interest legislation favoring big business, big labor and, especially, big money.

Instead of the ''end of history,'' we are now experiencing the end of a vocal, limited-government movement in our Nation's capital. While most conservatives no longer defend balanced budgets and reduced spending, most liberals have grown lazy in defending civil liberties and are now approving wars that we initiate. The so-called ''third way'' has arrived, and, sadly, it has taken the worst of what the conservatives and the liberals have to offer. The people are less well off for it, while liberty languishes as a result.

Neocons enthusiastically embrace the Department of Education and national testing. Both parties overwhelmingly support the huge commitment to a new prescription drug program. Their devotion to the new approach called ''compassionate conservatism'' has lured many conservatives into supporting programs for expanding the Federal role for welfare and church charities. The faith-based initiative is a neocon project, yet it only repackages and expands the liberal notion of welfare. The intellectuals who promoted these initiatives were neocons, but there is nothing conservative about expanding the Federal Government's role in welfare.

The supply-siders' policy of low marginal tax rates has been incorporated into neoconism, as well as their support for easy money and generous monetary inflation. Neoconservatives are disinterested in the gold standard and even ignore the supply-siders' argument for a phoney gold standard. Is it any wonder that Federal Government spending is growing at a rate faster than in any time in the past 35 years?

Power, politics and privilege prevail over the rule of law, liberty, justice and peace, but it does not need to be that way. Neoconism has brought together many old ideas about how government should rule the people. It may have modernized its appeal in packaging, but authoritarian rule is authoritarian rule, regardless of the humanitarian overtones. A solution can only come after the current ideology driving our government and policies is replaced with a more positive one.

In a historical context, liberty is a modern idea and must once again regain the high moral ground for civilization to advance. Restating the old justifications for war, people control and a benevolent state cannot suffice. It

cannot eliminate the shortcomings that always occur when the state assumes authority over others and when the will of one nation is forced on another, whether or not it is done with good intentions.

I realize that all conservatives are not neoconservatives, and all neocons do not necessarily agree on all points, which means that in spite of their tremendous influence, most Members of Congress and those in the administration do not necessarily take their marching orders from the AEI or Richard Perle. But to use this as a reason to ignore what neoconservative leaders believe, write about and agitate for with amazing success, I might point out, would be at our own peril.

This country still allows open discourse, though less every day, and we who disagree should push the discussion and expose those who drive our policies. It is getting more difficult to get fair and balanced discussion on the issues because it has become routine for the hegemons to label those who object to preemptive war and domestic surveillance as traitors, unpatriotic, and un-American. The uniformity of support for our current foreign policy by major and cable news networks should concern every American. We should all be thankful for C-SPAN and the Internet.

Michael Ledeen and other neoconservatives are already lobbying for war against Iran. Ledeen is pretty nasty to those who call for a calmer, reasoned approach by calling those who are not ready for war cowards and appeasers of tyrants. Because some urge a less militaristic approach to dealing with Iran, he claims they are betraying America's best traditions.

I wonder where he learned American history. It is obvious that Ledeen does not consider the Founders and the Constitution part of our best traditions. We were hardly encouraged by the American revolutionaries to pursue an American empire. We were, however, urged to keep the Republic that they so painstakingly designed.

If the neoconservatives retain control of the conservative, limited-growth movement in Washington, the ideas once championed by the conservatives of limiting the size and scope of government will be a long-forgotten dream.

The believers in liberty ought not deceive themselves. Who should be satisfied? Certainly not conservatives, for there is no conservative movement left. How about liberals? Should they be satisfied? They are pleased with the centralization of education and medical programs in Washington and support many of the administration's proposals, but none of the liberals should be pleased with the steady attack on civil liberties of all American citizens and the now-accepted consensus that preemptive war for almost any reason is an acceptable policy for dealing with all the conflicts and problems of the world.

In spite of the deteriorating conditions in Washington, with loss of personal liberty, a weak economy, exploding deficits and perpetual war, followed by nation-building, there are still quite a number of us who would relish the opportunity to improve things in one way or another. Certainly a growing number of frustrated Americans from both the right and the left are getting anxious to see this Congress do a better job. But first Congress must stop doing a bad job.

We are at a point where we need a call to arms, both here in Washington and across the country. I am not talking about firearms. Those of us who care need to raise our arms and face our palms out and begin waving and shouting, ''Stop. Let us stop this. Enough is enough.'' It should include liberals, conservatives and independents. We are all getting a bum rap from the politicians who are pushed by the polls and controlled by special interest money.

One thing is certain: No matter how morally justified programs and policies seem, the ability to finance all the guns and butter being promised is limited, and those limits are becoming more apparent every day. Spending, borrowing and printing money cannot be the road to prosperity. It has not worked in Japan, and it is not working here. As a matter of fact, it has never worked at the present time throughout history.

A point is always reached where government planning, spending and inflation run out of steam. Instead of these old tools reviving an economy, as they do in the early stages of economic interventionism, they eventually become a problem. Both sides of the political spectrum must one day realize that limitless government intrusion in the economy, in our personal lives and the affairs of other nations cannot serve the best interests of America.

This is not a conservative problem, nor is it a liberal problem, it is a government intrusion problem that comes from both groups, albeit for different reasons. The problems emanate from both camps who champion different programs for different reasons. The solution will come when both groups realize that is not merely a single-party problem, or just a liberal or just a conservative problem.

Once enough of us decide we have had enough of all these so-called good things that the government is always promising, or, more likely, when the country is broke and the government is unable to fulfill its promises to its people, we can start a serious discussion on the proper role of government in a free society. Unfortunately, it will be some time before Congress gets this message that the people are demanding true reform. This requires that those responsible for today's problems are exposed and their philosophy of pervasive government intrusion is rejected.

Let it not be said that no one cared, that no one objected once it is realized that our liberties and wealth are in jeopardy. A few have, and others will continue to do so, but too many, both in and out of government, close their eyes to the issue of personal liberty and ignore the fact that endless borrowing to finance endless demands cannot be sustained.

True prosperity can only come from a healthy economy and sound money. That can only be achieved in a free society.

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 Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, July 16.

Mr. TANCREDO, for 5 minutes, July 17.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, July 17.

Mr. BURGESS, for 5 minutes, today.

Mr. HOBSON, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, July 14, 2003, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3092. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3093. A letter from the Director, Defense Procurement and Acquision Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of

Federal Prison Industries Clearance Exception [DFARS Case 2003-D006] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3094. A letter from the Director, Defense Procurement and Acquision Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2003-D002] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3095. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FR-4825-I-01] (RIN: 2577-AC43) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3096. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Deregulation for Small Public Housing Agencies [Docket No. FR-4753-F-02] (RIN: 2577-AC34) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3097. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3098. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's plans regarding the remaining 700 MHz auctions, and describes the progress made by the Commission in the digital television transition and other spectrums, pursuant to Public Law 107—195 (116 Stat. 715); to the Committee on Energy and Commerce.

3099. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 [MB Docket 02-277]; Cross-Ownership of Broadcast Stations and Newspapers [MM Docket 01-235]; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets [MM Docket 01-317]; Definition of Radio Markets [MM Docket 00-244]; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area [MB Docket 03-130] Received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3100. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 10-03 which informs of an intent to sign a Project Agreement between the United States and Israel concerning a Smart Adaptive Fin (SAF) Prototype Study, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3101. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08-03 which informs of intent to sign Amendment Number One to the Tactical Communications Post 2000 Memorandum of Understanding (TACOMS Post 2000 MOU) between the United States, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3102. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 11-03 which informs of an intent to sign a Project Agreement between the United States and Singapore concerning Protective Suit Development and Evaluation Technologies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3103. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-03 which informs of intent to sign Amendment Number One to the Project Arrangement between the United States and the United Kingdom concerning the Radar Frequency Interferometer (RFI) User Data Module (UDM) for the Apache Longbow helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3104. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements transmitted to the Congress after expiration of the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3105. A letter from the Secretary, Department of Education, transmitting the semiannual report to Congress on Audit Follow-up for the period October 1, 2002 through March 31,2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3106. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3107. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3108. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3109. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3110. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3111. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3112. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3113. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3114. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3115. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3116. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3117. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3118. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3119. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Albemarle and Chesapeake Canal, AICW, Virginia [CGD05-03-059] (RIN: 1625-AA09) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harrisville, MI [CGD09-03-228] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-03-229] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-03-105] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3124. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marblehead Fourth of July Fireworks, Marblehead, Massachusetts [CGD01-03-023] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3125. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boston 4th of July Fireworks-Charles River, Boston, Massachusetts [CGD01-03-050] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Tribute to the Troops, 4th of July Fireworks, Salem, Massachusetts [CGD01-03-069] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distributions of Interest in a Loss Corporation from Qualified

Trusts [REG-108676-03] (RIN: 1545-BC00) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3128. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deadline for Allocating Private Activity Bond State Ceiling Among Issuing Authorities Under Section 146(e) (Notice 2003-41) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3129. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Substantiation of Incidental Expenses [TD 9064] (RIN: 1545-BB20) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 6038--Returns required with respect to controlled foreign partnerships [TD 9065] (RIN: 1545-BA77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3131. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Returns Regarding Payments of Remuneration for Services and Direct Sales (Rev. Rul. 2003-66) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3132. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Minimum Funding Standards (Rev. Rul. 2003-83) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3133. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Outbound Liquidations into Foreign Corporations [TD 9066] (RIN: 1545-BA79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3134. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of stock and securities of a controlled corporation (Rev. Rul. 2003-79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3135. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2003-74) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3136. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3137. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Notice 2003-46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3138. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-50) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Time to Elect Mid-quarter Convention Relief Under Notice 2001-70 and Notice 2001-74 (Notice 2003-45) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2003-46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Membership Organizations (Rev. Rul. 2003-73) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Accelerated Cost Recovery System (Rev. Rul. 2003-81) received July 7, 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. TAYLOR of North Carolina: Committee on Appropriations. H.R. 2691. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–195). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. House Concurrent Resolution 159. A resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day (Rept. 108–196). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2595. A bill to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002 (Rept. 108–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to care for Veterans seeking health care from the Department of Veterans Affairs, and for other purposes; with amendments (Rept. 108–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; with amendments (Rept. 108–199). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2692. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes; to the Committee on Science.

By Mr. GILCHREST (for himself and Mr. POMBO):

H.R. 2693. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; to the Committee on Resources.

By Mr. FERGUSON (for himself, Mr. TOWNS, and Mr. SOUDER):

H.R. 2694. A bill to establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes; to the Committee on Government Reform.

By Ms. HART:

H.R. 2695. A bill to designate Pennsylvania State Route 60 and United States Routes 22 and 30 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENZI (for himself, Mr. HAYWORTH, Mr. MCINNIS, Mr. KOLBE, Mr. PEARCE, and Mr. TANCREDO):

H.R. 2696. A bill to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. BARRETT of South Carolina:

H.R. 2697. A bill to amend the Internal Revenue Code of 1986 to provide an additional personal exemption for certain dependents with long-term care needs; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. TOWNS, Mr. FLETCHER, and Mr. WALDEN of Oregon):

H.R. 2698. A bill to provide for a system of health insurance certificates to increase the number of Americans with health insurance coverage; to the Committee on Energy and Commerce.

By Mr. BURR (for himself, Mr. GILLMOR, Ms. MCCARTHY of Missouri, Mr. OTTER, Mr. BRADLEY of New Hampshire, Ms. DUNN, Mr. DEAL of Georgia, Mr. PETRI, Mr. THOMPSON of Mississippi, Mr. TERRY, Mr. ISSA, Mr. TOWNS, Mr. BOEHNER, Mr. FOLEY, Mr. SHUSTER, Mr. KOLBE, and Mr. CRENSHAW):

H.R. 2699. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COX (for himself, Mr. NORWOOD, Mr. ISSA, Mr. ENGEL, Mr. BOUCHER, Mr. BERMAN, and Mr. POMEROY):

H.R. 2700. A bill to amend title XVIII of the Social Security Act to revise the methodology by which payment for orphan drugs and biologicals is made under program prospective payment system for hospital outpatient department services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2701. A bill to amend title 10, United States Code, to extend to additional military retirees with service-connected disabilities the special compensation authority provided for certain retirees with combat-related disabilities; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. MCGOVERN, Mr. SANDERS, Mr. OWENS, Mr. FRANK of Massachusetts, and Mr. GREEN of Texas):

H.R. 2702. A bill to amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferree nonimmigrants; to the Committee on the Judiciary.

By Mr. GERLACH (for himself and Mr. ENGLISH):

H.R. 2703. A bill to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes; to the Committee on Agriculture.

By Mr. LARSEN of Washington (for himself, Mr. COBLE, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. LANTOS, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. ISRAEL, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. INSLEE, Mr. MCINTYRE, Mrs. TAUSCHER, Ms. LEE, Mr. NADLER, and Mr. HONDA):

H.R. 2704. A bill to extend the authorization for the ferry boat discretionary program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LUCAS of Kentucky:

H.R. 2705. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes; to the Committee on Government Reform.

By Mr. MCCRERY (for himself, Mr. MCINNIS, and Mr. MATSUI):

H.R. 2706. A bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns; to the Committee on Ways and Means.

By Mr. PEARCE (for himself, Mr. STENHOLM, Mr. MCINNIS, Mrs. WILSON of New Mexico, Mr. HUNTER, Mr. BONILLA, Mr. RENZI, Mr. CANNON, Mr. MATHESON, Mr. THORNBERRY, Mr. GRIJALVA, Mr. NEUGEBAUER, Mr. MORAN of Kansas, and Mr. OSBORNE):

H.R. 2707. A bill to direct the Secretaries of the Interior and Agriculture, acting through the U. S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U. S. Forest Service; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. SAXTON:

H.R. 2708. A bill to provide for the security of commercial nuclear power plants and facilities designated by the Nuclear Regulatory Commission; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 2709. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. TAYLOR of North Carolina:

H.R. 2710. A bill to ensure that a flag is furnished to drape the casket of each public safety officer killed in the line of duty; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. SIMMONS, Mr. WAXMAN, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. SANDERS, Mr. CLAY, Mr. FARR, Mr. FILNER, Mr. RAHALL, Mr. FORD, Mr. PETRI, Mr. MCNULTY, Mr. SCOTT of Georgia, Mr. HOLDEN, Mr. MCGOVERN, Ms. WOOLSEY, Mr. GOODE, Mr. BOUCHER, Mr. SANDLIN, Ms. LEE, Mr. OWENS, Mr. CONYERS, Mr. ETHERIDGE, Mr. LANTOS, Mr. BISHOP of Georgia, Mr. UDALL of Colorado, Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio, Mr. SHAYS, Ms. BALDWIN, Mr. ROTHMAN, Mr. SERRANO, Mr. CLYBURN, Mr. RYAN of Ohio, Mr. RUSH, Ms. LOFGREN, Mr. MURPHY, Mr. WEXLER, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Mr. TERRY, Mr. PETERSON of Minnesota, Mr. GILLMOR, Mr. HOLT, Mr. ISRAEL, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. DOYLE, Mr. ROSS, Ms. WATSON, Mr. MOORE, and Mr. GRIJALVA):

H.R. 2711. A bill to permit refinancing of Federal student consolidation loans, and to permit students freedom to select a student loan consolidator; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself and Mr. QUINN):

H.R. 2712. A bill to authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII,

138. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 2 memorializing the United States Congress to enact legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the certain conditions have been met, and not before May 1, 2006; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 2713) for the relief of Mai Thi Thuy Nuong; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. CASE and Mr. BURR.

H.R. 110: Mr. ISAKSON, Mr. BAKER, Mr. GREEN of Wisconsin, and Mr. NORWOOD.

H.R. 135: Mr. CARDOZA.

H.R. 208: Mr. GEORGE MILLER of California.

H.R. 218: Ms. HARRIS, Mr. POMBO, and Mr. CULBERSON.

H.R. 333: Mr. BALLENGER.

H.R. 369: Mr. UPTON.

H.R. 371: Mr. ENGEL and Mr. DEUTSCH.

H.R. 375: Mr. MICHAUD.

H.R. 380: Mr. OTTER and Mr. CALVERT.

H.R. 401: Mr. MCGOVERN and Mr. HOYER.

H.R. 439: Mr. FALEOMAVAEGA.

H.R. 466: Mr. BURR.

H.R. 486: Mr. COLLINS.

H.R. 490: Mr. WATT.

H.R. 591: Mr. SHAYS.

H.R. 595: Mr. FOLEY.

H.R. 687: Mr. MANZULLO.

H.R. 737: Mr. CASE.

H.R. 742: Mr. BAKER and Mr. CUNNINGHAM.

H.R. 790: Mr. MANZULLO.

H.R. 832: Mr. MICHAUD and Ms. MILLENDER-MCDONALD.

H.R. 839: Mr. SNYDER, Mr. CHOCOLA, Mr. LANGEVIN, Mrs. TAUSCHER, Ms. GRANGER, Ms. SLAUGHTER, Mr. NEUGEBAUER, Mr. BACA, Mr. RODRIGUEZ, Mr. NUNES, Mr. LATOURETTE, and Mr. MARSHALL.

H.R. 857: Mr. JEFFERSON and Mr. LIPINSKI.

H.R. 887: Mr. DAVIS of Florida.

H.R. 931: Mr. STEARNS.

H.R. 935: Mr. MCGOVERN, Mr. BISHOP of New York, and Mr. MICHAUD.

H.R. 962: Mr. WEINER, Mr. LEWIS of Georgia, Mr. SPRATT, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, Mr. LARSON of Connecticut, Mr. DOGGETT, Ms. LEE, Mr. CONYERS, Mr. LANGEVIN, and Mr. RUPPERSBERGER.

H.R. 997: Mr. BONNER and Mr. DUNCAN.

H.R. 1014: Ms. DUNN.

H.R. 1083: Mr. TERRY and Mr. TOM DAVIS of Virginia.

H.R. 1085: Mr. CRAMER, Mr. WICKER, and Ms. ESHOO.

H.R. 1088: Mr. REYES and Mr. HINOJOSA.

H.R. 1096: Mr. SMITH of New Jersey and Mr. RODRIGUEZ.

H.R. 1097: Ms. KILPATRICK.

H.R. 1100: Mr. GREEN of Wisconsin.

H.R. 1103: Mr. NADLER.

H.R. 1108: Mr. ANDREWS.

H.R. 1118: Mr. CARDOZA, Mr. FORD, Mr. LARSEN of Washington, Mr. KIND, Mr. GOODLATTE, and Mr. DAVIS of Florida.

H.R. 1131: Mr. RANGEL.

H.R. 1157: Mr. LAMPSON.

H.R. 1160: Mr. CASE, Ms. BERKLEY, Mr. ETHERIDGE, Mr. LUCAS of Oklahoma, Mr. DAVIS of Tennessee, Mr. BEAUPREZ, and Mr. JONES of North Carolina.

H.R. 1173: Mr. WICKER.

H.R. 1200: Mr. DICKS, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. DAVIS of Illinois, and Ms. NORTON.

H.R. 1202: Mr. BOYD, Mr. OSBORNE, Mr. MORAN of Kansas, and Mr. ALEXANDER.

H.R. 1212: Mr. BISHOP of Georgia.

H.R. 1231: Mr. TOWNS.

H.R. 1258: Mr. LANTOS.

H.R. 1301: Mr. WELDON of Pennsylvania and Ms. BALDWIN.

H.R. 1309: Mr. BISHOP of Georgia.

H.R. 1315: Mr. EHLERS.

H.R. 1359: Mr. DAVIS of Illinois.

H.R. 1367: Mr. DAVIS of Tennessee.

H.R. 1372: Mr. WAMP, Mr. CANNON, Mr. JOHN, Mr. SENSENBRENNER, and Mr. SHADEGG.

H.R. 1414: Mr. HINCHEY and Mr. FRANK of Massachusetts.

H.R. 1426: Mr. GEORGE MILLER of California.

H.R. 1472: Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. QUINN, Mr. SHAW, and Mr. SERRANO.

H.R. 1483: Ms. ESHOO and Mr. MEEHAN.

H.R. 1489: Mr. NUNES.

H.R. 1516: Mr. EVANS, Mr. MICHAUD, and Mr. SMITH of New Jersey.

H.R. 1519: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1581: Mr. MCGOVERN, Mr. BOYD, Mr. SMITH of Washington, and Mr. FILNER.

H.R. 1606: Mr. KINGSTON.

H.R. 1628: Mr. JOHN, Mr. FALEOMAVAEGA, and Mr. THOMPSON of Mississippi.
H.R. 1675: Mr. LARSEN of Washington.
H.R. 1678: Mr. SENSENBRENNER.
H.R. 1695: Mr. STARK and Ms. LINDA T. SANCHEZ of California.
H.R. 1707: Mr. GOODLATTE, Mr. COBLE, and Mr. STRICKLAND.
H.R. 1708: Mr. HOLT, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. HINOJOSA, Ms. WOOLSEY, Mr. WU, Mr. DICKS, Mr. HINCHEY, Mr. JOHN, Mr. RAHALL, Mr. BALLANCE, Mr. RUSH, and Mr. SHERMAN.
H.R. 1713: Mr. BISHOP of Georgia.
H.R. 1720: Mr. PORTER.
H.R. 1752: Ms. NORTON, Mr. SERRANO, Mr. TOWNS, Ms. KILPATRICK, and Mr. Frost.
H.R. 1769: Mr. REHBERG, Mr. JACKSON of Illinois, and Mr. BERMAN.
H.R. 1776: Mr. LUCAS of Kentucky.
H.R. 1796: Mr. ANDREWS.
H.R. 1800: Mr. LARSON of Connecticut.
H.R. 1813: Mr. HONDA, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. DAVIS of California, Mr. STARK, Ms. WOOLSEY, Mr. PETERSON of Minnesota, and Mr. RAMSTAD.
H.R. 1819: Mr. LATHAM.
H.R. 1824: Mr. ABERCROMBIE, Mr. MANZULLO, Mr. HOLDEN, Mr. LANTOS, Mr. TERRY, and Mr. BARRETT of South Carolina.
H.R. 1865: Mr. NEY and Mr. OWENS.
H.R. 1884: Mr. BALLENGER.
H.R. 1905: Mr. BAIRD.
H.R. 1910: Mr. EDWARDS.
H.R. 1916: Mr. CLAY, Mr. DAVIS of Alabama, Mr. ROSS, Mr. STARK, and Mr. BISHOP of Georgia.
H.R. 1926: Mr. SHAYS.
H.R. 1930: Mr. DELAHUNT.
H.R. 1956: Mr. RAMSTAD, Mr. RYAN of Ohio, and Ms. NORTON.
H.R. 1997: Mr. ROGERS of Michigan.
H.R. 2068: Mr. STARK, Mr. MORAN of Virginia, Mr. INSLEE, and Mr. BAIRD.
H.R. 2069: Mr. STARK, Mr. MORAN of Virginia, Mr. GREENWOOD, Mr. INSLEE, and Mr. BAIRD.
H.R. 2079: Mr. ROGERS of Alabama, Mr. SHAYS, and Mr. CLAY.
H.R. 2092: Mr. KUCINICH.
H.R. 2124: Mr. FALEOMAVAEGA and Mr. ACEVEDO-VILA.
H.R. 2154: Mr. BAIRD, Mr. MANZULLO, and Mr. SHAYS.
H.R. 2174: Mrs. WILSON of New Mexico, Mr. OWENS, and Mr. KUCINICH.
H.R. 2181: Mr. LAHOOD and Mr. KLINE.
H.R. 2183: Mr. ROSS.
H.R. 2193: Ms. LEE.
H.R. 2205: Ms. NORTON.
H.R. 2207: Mr. BROWN of Ohio.
H.R. 2216: Mr. PITTS.
H.R. 2224: Mr. SCHROCK.
H.R. 2235: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2237: Mr. HOLT and Mr. SIMMONS.
H.R. 2242: Mrs. CHRISTENSEN.
H.R. 2260: Mr. SHAW, Mr. GERLACH, Mr. TIAHRT, Ms. KILPATRICK, Mr. ENGLISH, Mr. EHLERS, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. LARSEN of Washington, Mr. STARK, Mr. RYAN of Ohio, Mr. HOSTETTLER, and Mr. ACKERMAN.
H.R. 2269: Mr. WELDON of Florida.
H.R. 2297: Mr. UDALL of New Mexico.
H.R. 2303: Mr. CALVERT, Mr. KING of Iowa, and Mr. MILLER of Florida.
H.R. 2318: Mr. PASTOR, Mr. CLAY, Mr. BALLANCE, and Mr. LAMPSON.
H.R. 2323: Mrs. KELLY, Ms. ROS-LEHTINEN, and Mr. LIPINSKI.
H.R. 2327: Mr. LUCAS of Kentucky and Mr. ROGERS of Kentucky.
H.R. 2336: Mr. LIPINSKI.
H.R. 2340: Mr. TERRY.
H.R. 2352: Mr. CASE, Mr. MILLER of Florida, Ms. MILLENDER-MCDONALD, and Ms. BORDALLO.
H.R. 2353: Mr. MORAN of Virginia.
H.R. 2357: Mr. ROYCE, Mr. ENGLISH, and Mr. GOODE.
H.R. 2361: Mr. FALEOMAVAEGA.
H.R. 2418: Ms. MILLENDER-MCDONALD and Ms. MCCOLLUM.
H.R. 2433: Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA, Ms. MILLENDER-MCDONALD, Mr. MATHESON, and Mr. CLAY.
H.R. 2442: Mr. GONZALEZ, Mr. SAXTON, and Mr. QUINN.
H.R. 2462: Mr. NEAL of Massachusetts, Mr. KANJORSKI, Mr. KILDEE, Mr. LIPINSKI, and Mr. BURTON of Indiana.
H.R. 2466: Mr. CARSON of Oklahoma, Mr. FORD, and Mr. WEXLER.
H.R. 2470: Mr. OWENS.
H.R. 2476: Mr. OWENS.
H.R. 2482: Mr. WEXLER.
H.R. 2515: Ms. SOLIS, Mr. WAXMAN, Mr. NETHERCUTT, Mr. TOWNS, Mr. RUSH, and Mr. JANKLOW.
H.R. 2517: Ms. GINNY BROWN-WAITE of Florida, Mr. TOWNS, Mr. BACHUS, and Mr. DEAL of Georgia.
H.R. 2524: Mr. HINCHEY and Mr. WEXLER.
H.R. 2528: Mr. SERRANO, Mrs. MCCARTHY of New York, and Mr. TOWNS.
H.R. 2553: Mr. OWENS, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, and Mr. BACHUS.
H.R. 2568: Mr. GILCHREST and Ms. MCCOLLUM.
H.R. 2569: Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. BISHOP of Georgia.
H.R. 2581: Mr. CANTOR.
H.R. 2582: Mrs. JONES of Ohio, Mr. CONYERS, Mr. COOPER, Mr. WEXLER, and Mr. NEAL of Masschusetts.
H.R. 2620: Mr. ABERCROMBIE.
H.R. 2622: Mr. KENNEDY of Minnesota, Mr. SCOTT of Georgia, Mr. BOYD, Mr. WELDON of Florida, and Mr. ROGERS of Michigan.
H.R. 2625: Mr. VAN HOLLEN, Ms. LEE, Mr. DOGGETT, and Mr. MCDERMOTT.
H.R. 2655: Mr. MARKEY, Mrs. LOWEY, Mr. MCGOVERN, and Mr. FOSSELLA.
H.R. 2661: Mr. DEMINT, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina.
H.R. 2665: Mr. MCGOVERN, Ms. SOLIS, and Mr. GRIJALVA.
H.R. 2668: Mr. UPTON and Mr. STUPAK.
H.R. 2669: Mr. WAXMAN, Mr. CUMMINGS, Ms. WATSON, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. BELL, Mr. OWENS, Mr. CLAY, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. LEE, Ms. MAJETTE, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mr. FORD, Mr. JACKSON of Illinois, Mr. WATT, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. WYNN, Mrs. CHRISTENSEN, Mr. BALLANCE, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. RANGEL, Mr. FATTAH, Ms. CARSON of Indiana, Mr. JEFFERSON, and Mr. CONYERS.
H.R. 2672: Mr. BEAUPREZ.
H.J. Res. 56: Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. WHITFIELD, Mr. HUNTER, Mr. DOOLITTLE, Mr. BROWN of South Carolina, and Mr. CANTOR.
H. Con. Res. 71: Mr. SNYDER, Mr. OWENS, Mrs. JONES of Ohio, Mr. FROST, Mr. WYNN, Mr. MCNULTY, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, and Mr. MCDERMOTT.
H. Con. Res. 119: Mr. WELDON of Florida, Mr. BEAUPREZ, and Mr. TANCREDO.
H. Con. Res. 197: Mr. SOUDER, Mr. BLUNT, Mr. CAMP, Mr. GORDON, Mr. ROGERS of Kentucky, Mr. LUCAS of Kentucky, and Mr. TOOMEY.
H. Con. Res. 232: Mr. DEUTSCH, Mr. BERMAN, Mr. HOEFFEL, and Mrs. LOWEY.
H. Res. 38: Mr. GEORGE MILLER of California and Mr. LANTOS.
H. Res. 167: Mr. HONDA.
H. Res. 259: Mr. WEXLER.
H. Res. 261: Mr. SNYDER.
H. Res. 274: Mr. COBLE.
H. Res. 307: Ms. CARSON of Indiana, Mr. RYAN of Ohio, Ms. WATSON, Mr. ACKERMAN, Ms. LEE, Mr. LIPINSKI, Mr. HOEFFEL, Mr. HINCHEY, Mr. SERRANO, Mr. MCGOVERN, and Ms. JACKSON-LEE of Texas.
H. Res. 315: Ms. ROS-LEHTINEN and Mr. NEUGEBAUER.

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. KING of Iowa and Mr. BURTON of Indiana.

PETITIONS, ETC.

Under clause 3 of rule XII,

22. The SPEAKER presented a petition of Lazar Simov Kovacevich, a citizen of Florida, relative to a Resolution petitioning the United States Congress for a thorough review of the Petition for Writ of Certiorari in the New York State Court of Appeals (Docket No. 02–8202); which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3, by Mr. GENE TAYLOR on House Resolution 275: Rodney Alexander, Baron P. Hill, Mike McIntyre, Mike Thompson, Allen Boyd, Jim Turner, Barion Berry, and Ralph M. Hall.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2660

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 10: At the end of the bill (before the short title) insert the following:

Sec. . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 2660

OFFERED BY: MR. TOOMEY

AMENDMENT NO. 11: 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 R01HD043689 R03HD039206, R01DA013896, or R01MH065871.

H.R. 2660

OFFERED BY: MR. ALLEN

AMENDMENT NO. 12: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational

agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

H.R. 2691

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 1. At the end of the bill (before the short title), insert the following new section:

SEC. 3.____. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, JULY 10, 2003 No. 101

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:

Let us pray:

Eternal God, Lord of creation, everything around us points to You. We thank You that even nature reminds us of Your goodness and compels us to stand in awe of Your majesty. We thank You for pleasant reminders that this Senate is a family, and that we have many things to unite us. Teach us to trust You to use us as Your instruments in this challenging world. As Senators labor today, may their faithfulness, commitment, and integrity blend with the music of the spheres to serve Your perfect will. Give them insight and wisdom that they may discern the difference between the temporary and the eternal. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume debate on S. 925, the State Department authorization bill. During yesterday's session, we were able to dispose of a number of amendments to the measure, and we will continue working aggressively through amendments this morning.

I encourage any Member who does have an amendment to the bill to contact the chairman or the ranking member as soon as possible so we can organize an orderly schedule for the consideration of the amendments. I do ask my colleagues that they bring forward amendments that are relevant to the underlying legislation. Unfortunately, over the course of yesterday afternoon and yesterday evening, a number of nonrelevant issues were mentioned and talked about as possible amendments. It is important that we complete action on this very important bill—really these three very important bills together—after which we will go to the appropriations process.

In order to accomplish that, we need to focus on the bill itself. I ask and make that plea to my colleagues that we stay, through an orderly process, on the bill with relevant amendments.

I am aware of every Senator's right to amend and to bring anything to the floor they would like but out of consideration for an orderly, thoughtful schedule that allows us to continue with the authorization process underway and then proceed to the very important appropriations process, we do need people to be as cooperative as possible with the chairman and ranking member.

We will have rollcall votes throughout the day. Senators will be notified when that first vote is scheduled. It is expected that we will consider and complete action, as I mentioned earlier, on appropriations bills this week. We will initially go to, after completion of the bill that is on the floor, the legislative branch appropriations to be followed by the military construction appropriations bill.

As I said clearly earlier in the week, we will be voting on Friday. So I do want our colleagues to expect rollcall votes tomorrow. Depending on how things go over the course of the morning and the afternoon and this evening, we will have a much better idea as to whether we will be voting late in the day on Friday or earlier in the day.

Again, I have tried to make it very clear through an orderly process that we can get through the schedule that is set out, which includes these appropriations bills.

There is a lot of work to do this week, and Members should prepare for a busy session today and tomorrow.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

EVENING AT NATIONAL GALLERY OF ART

Mr. REID. Mr. President, while the majority leader is on the floor, I have something that is not directly on point but I wish to say for the entire Senate. I congratulate the majority leader and the Democratic leader. It is so rare that we, as a Senate, are able to get together at a social event. Last night, we were able to have an event where we went to an exhibit at the National Gallery of Art to see paintings by a great western artist, Remington.

I applaud and congratulate the two leaders for bringing this together because so much of what we do is adversarial in nature. It was a tremendous evening last night to be able to have our spouses and to sit down to dinner and listen to some short, but good, speeches and look at great exhibits that were painted almost 100 years ago by this great artist.

I speak for the whole Senate and extend my congratulations to the two leaders for arranging that event last night.

FOREIGN RELATIONS AUTHORIZATION

Mr. President, through you to the majority leader, we have an amendment about which I have talked with the two managers of the bill that is going to be offered this morning dealing with Mexico. We will do that as

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soon as there are amendments cleared. We have an amendment by Senator MURRAY. We have already hotlined our Members as to what amendments they have.

As I indicated, either I or the Democratic leader will be in touch with the majority leader this morning to go over generally the list of these amendments so he has an idea of what we have at this time. That certainly would not prevent people offering them at a later time. But I think we have a pretty good list of all the amendments that are going to be offered. At that time, the majority leader can make a decision as to how we proceed.

We believe this is an important bill, and we think it should be completed. We think it should be completed as soon as possible, and as the leader indicated, every Senator has a right to offer amendments on any subject they want, and a few of them are going to do that. We hope that will be kept to a minimum so we can move to the amendments that are germane and relevant to this matter, not because it is required by Senate rules but because we want to try to move this bill along.

I have a couple of housekeeping issues. We have a briefing at 4 o'clock today by Secretary Rumsfeld. I am sure a lot of the Senators need to go to it, including the two managers of this bill. I ask that the leader consider, as the day progresses, maybe putting us in recess during that period of time—whatever decision you make in that regard.

We have spoken at length with the two managers. They have a pretty good idea of where we are coming from on this side.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, we will have to make some big decisions this morning in terms of planning for the day, and we will be in touch, both on the floor and off the floor, out of respect for completion of this bill as soon as possible. I appreciate it.

Mr. REID. Mr. President, I was just told Secretary Rumsfeld's meeting has been rescheduled for a later time. It is not going to be this afternoon.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AFRICA AND MILLENNIUM CHALLENGE ACCOUNT

Mr. FRIST. Mr. President, before starting the bill, I will take 2 minutes on leader time to comment on an issue that is important to me personally but that I think is important to our concerns for people around the world, and that is the President's trip right now to Africa.

On Tuesday of this week, on Goree Island, President Bush spoke about the extraordinary contributions of Africa's sons and daughters to America's culture and ideals. The moral vision of such leaders as Frederick Douglas—many of us have had the opportunity to visit his wonderful home that sits on a hill in Washington just a few miles from where we stand now—Booker T. Washington, W.E.B. DuBois, Sojourner Truth, Martin Luther King, Rosa Parks, and the list goes on, have penetrated deep into America's consciousness and illuminated America's core principles. Africans who were brought to America in chains, and their descendants who subsequently suffered cruelty and injustice, helped set America free. It is a story that must be told and be told to future generations so that we will always work toward realizing our Nation's great purpose—in a word: Freedom.

America and Africa are working together to expand freedom across the globe. The President is celebrating much of that in his current trip. In late August, I will be taking a delegation of Senators back to Africa once again.

On the Senate floor today, and yesterday, is very important and significant legislation, the Millennium Challenge Account, which promises to invest in the continent's abundant political and economic opportunities. We all celebrate the $15 billion commitment in global HIV/AIDS relief by the President, which the Senate confirmed under the leadership of Chairman LUGAR last month. We know that will help turn the tide against HIV/AIDS and, I should add, malaria and tuberculosis.

The African Growth and Opportunity Act, which we addressed 3 years ago now, is alleviating poverty in Africa. Those of us who travel regularly hear again and again that it is having an impact that stimulates and spurs on that African entrepreneurship.

So I take this moment to commend President Bush for his bold and substantive leadership in helping Africa's leaders meet their nation's challenges and to realize the nation's opportunities, and also to recognize the leadership of Chairman LUGAR on each of these other issues that I mentioned: The Millennium Challenge Account, the global fight against HIV/AIDS, the African Growth and Opportunity Act. These efforts, and many others—bipartisan, both sides of the aisle—will help set Africa on a course to maximum freedom and opportunity for all of its people and strengthen those historic ties that bind our two great lands.

I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 925, which the clerk will report.

The 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.

Pending:

Lugar amendment No. 1136, in the nature of a substitute.

Lautenberg amendment No. 1135 (to amendment No. 1136), to provide justice for marine victims of terror.

Amendments Nos. 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, and 1163, en bloc to amendment No. 1136

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I send to the desk a packet of agreed-upon amendments. I will enumerate those amendments and after enumerating them ask that they be adopted en bloc to Amendment No. 1136.

The PRESIDENT pro tempore. Will the Senator ask to set aside the pending amendments?

Mr. LUGAR. I so ask that the pending amendments be set aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the package of amendments that I have sent to the desk has received consideration by the staffs of myself and Senator BIDEN throughout last evening. They include an amendment by Mr. BIDEN expressing the sense of Congress relating to violence against women; secondly, an amendment by Mr. BREAUX to authorize transportation for the Chief of Protocol; third, an amendment by Mr. COLEMAN to authorize a comprehensive program of support for victims of torture and for other purposes; fourth, an amendment by Mr. DASCHLE to require an annual report on Saudi Arabia's cooperation in the war on terrorism; fifth, an amendment by Senator FEINSTEIN to require a report on states that have not cooperated in small arms programs; sixth, an amendment by Mr. BIDEN to require the reporting of certain information relating to proposed exports and transfers of firearms; seventh, an amendment by Mr. LEAHY to provide a report on a strategy to deal with the international coffee crisis; eighth, a chairman's amendment to strike section 2512 relating to amendments to the Arms Control and Disarmament Act; ninth, a chairman's amendment to provide an exception to requirements with respect to bilateral agreements for exemption from certain licensing requirements; tenth, a chairman's amendment to improve provisions on global pathogen surveillance; eleventh, a chairman's amendment to strike section 205 relating to the State Department authorization bill; twelfth, a chairman's amendment to clarify Foreign Service grievance board procedures; thirteenth, a chairman's amendment to modify reporting requirements on U.S. personnel involved in the antinarcotics campaign in Colombia; and finally, fourteenth, a chairman's amendment to strike section 2239 relating to the sense of Congress relating to

exports of defense items to the United Kingdom.

The PRESIDENT pro tempore. Is there objection to considering those amendments en bloc?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 1150

(Purpose: To express the sense of Congress relating to violence against women)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) Article 4 of the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in Resolution 48/104 on December 20, 1993, proclaims that ''States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.''.

(2) Paragraph 124 of chapter IV of the Platform for Action, which was adopted along with the Beijing Declaration by the Fourth World Conference on Women on September 15, 1995, states that actions to be taken by governments include condemning violence against women and refraining from invoking any custom, tradition, or religious consideration as a means to avoid the obligations of such governments with respect to the elimination of violence against women as such obligations are referred to in the Declaration on the Elimination of Violence against Women.

(3) The United States has supported the Declaration on the Elimination of Violence Against Women and the Beijing Declaration and Platform for Action.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to condemn violence against women and should urge states to refrain from invoking any custom, tradition, or practices in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women as referred to in Article 4 of the Declaration on the Elimination of Violence against Women.

AMENDMENT NO. 1151

(Purpose: To authorize the Chief of Protocol to use a passenger carrier for transportation between the Chief of Protocol's residence and place of employment)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. AUTHORIZATION FOR PASSENGER CARRIER USE BY THE CHIEF OF PROTOCOL.

Section 1344(b)(4) of title 31, United States Code, is amended by inserting ''the Chief of Protocol of the United States,'' after ''abroad,''.

AMENDMENT NO. 1152

(Purpose: To authorize a comprehensive program of support for victims of torture, and for other purposes)

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.

AMENDMENT NO. 1153

(Purpose: To require an annual report on Saudi Arabia's cooperation in the war on terrorism)

At the end of title VIII, insert the following new section:

SEC. 815. ANNUAL REPORT ON SAUDI ARABIA'S COOPERATION IN THE WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORT.—Not later than May 1, 2004, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the cooperation of the Government of Saudi Arabia in the war on terrorism.

(b) CONTENT.—Each report shall include—

(1) a description of the efforts of the Government of Saudi Arabia to combat terrorism and to counter efforts to foment intolerance in Saudi Arabia;

(2) an assessment of the cooperation of the Government of Saudi Arabia with United States antiterrorism efforts, including—

(A) efforts of law enforcement in Saudi Arabia to disrupt suspected terrorist networks and apprehend suspected terrorists; and

(B) diplomatic and law enforcement efforts of Saudi Arabia to stop the financing of terrorists and terrorist organizations; and

(3) an assessment of the efforts of the Government of Saudi Arabia to investigate terrorist attacks against citizens of the United States, including—

(A) a description of the status of efforts to investigate such attacks; and

(B) a list of individuals convicted in Saudi Arabia of committing such attacks.

AMENDMENT NO. 1154

(Purpose: To require a report on states that have not cooperated in small arms programs)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. ANNUAL REPORT ON SMALL ARMS PROGRAMS.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report—

(1) describing the activities undertaken, and the progress made, by the Department or other agencies and entities of the United States Government in prompting other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons, and describing to what degree the failure to cooperate affects the national security of such state, its neighbors, and the United States; and

(3) recommending incentives and penalties that may be used by the United States Government to prompt states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

AMENDMENT NO. 1155

(Purpose: To require the reporting of certain information relating to proposed exports and transfers of firearms)

At the end of subtitle B of title XXII, add the following:

SEC. 2241. TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS.

(a) EXPORTS UNDER THE ARMS EXPORT CONTROL ACT.—

(1) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended by inserting after ''such certification).'' in the fourth sentence the following: ''Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the letter of offer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.''.

(2) LICENSES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting after the second sentence the following: ''Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the license or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.''.

(b) TRANSFERS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Subsection 516(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(2)) is amended—

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

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

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

''(D) for any proposed transfer of firearms listed in category I of the United States Munitions List that would require a license for international export under section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

''(i) with regard to the proposed transfer, the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons; and

''(ii) a summary of any provision under the transfer or any related arrangement for the

recipient State to dispose of firearms that would become excess as a result of the proposed transfer; and''.

AMENDMENT NO. 1156

(Purpose: To provide a report on a strategy to deal with the international coffee crisis)

At the appropriate place insert:

SEC. . REPORT.

Not later than 120 days after enactment, the Secretary, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees describing the progress the United States is making towards meeting the objectives set forth in paragraph 1 of S. Res. 368 (107th Congress) and paragraph 1 of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

AMENDMENT NO. 1157

(Purpose: To strike section 2512, relating to amendments to the Arms Control and Disarmament Act)

Strike section 2512.

AMENDMENT NO. 1158

(Purpose: To provide an exception to requirements with respect to bilateral agreements for exemptions from certain licensing requirements)

On page 182, line 16, insert ''**AND THE UNITED KINGDOM**'' after ''**AUSTRALIA**''.

On page 182, beginning on line 22, strike ''The requirements'' through ''into force.'' on page 183, line 4, and insert the following:

''(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

''(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.''.

On page 183, between lines 9 and 10, insert the following:

(c) CERTIFICATION ON NONCONFORMING AGREEMENTS.—Not later than 14 days before the activation of an exemption from the licensing requirements of the Arms Export Control Act pursuant to any bilateral agreement made with the United Kingdom or Australia for that purpose that does not conform to the requirements applicable to such an agreement under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that—

(1) the nonconforming agreement is in the national interest of the United States;

(2) the nonconforming agreement does not in any way adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime;

(3) the nonconforming agreement will not in any way adversely affect—

(A) the abilities of the Secretary to ensure, pursuant to section 2 of the Arms Export Control Act (22 U.S.C. 2752), effective controls over the sales, finances, leases, cooperative projects, and exports that are regulated under such Act; or

(B) any of the duties or requirements of the Secretary under such Act; and

(4) the nonconforming agreement will serve as an effective nonproliferation and export control tool.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the appropriate congressional committees a report on any issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on any consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) on all special provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on any United States origin defense item for which the United States did not seek re-export or transfer authorization under the terms of the Memorandum of Understanding between the United States and the United Kingdom, and on any United States origin defense item for which the United States did not require re-export authorization under the terms of the agreement with Australia; and

(8) on any disagreement the Government of Australia or the Government of the United Kingdom may have with the United States Government concerning any aspect of the bilateral agreements between such country and the United States, and on any disagreement with the Government of the United Kingdom concerning any aspect of any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees not later than 30 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

AMENDMENT NO. 1159

(Purpose: To improve the provisions on global pathogen surveillance)

In section 2403(2)(B), strike ''and'' after the semicolon.

In section 2403(2)(C), strike the period and insert ''; and''.

In section 2403(2), add at the end the following:

(D) is determined by the United States Government not to have an offensive biological weapons program.

In section 2403(3), strike ''who is eligible to receive'' and all that follows and insert ''who—

(A) is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not currently or previously affiliated with or employed by a laboratory or entity determined by the United States Government to be involved in offensive biological weapons activities.

In section 2408(b)(3), strike ''and'' after the semicolon.

In section 2408(b)(4), strike ''(4)'' and insert ''(5)''.

In section 2408(b), insert after paragraph (3) the following:

(4) necessary to secure and monitor pathogen collections containing select agents; and

In section 2408(e), insert ''monitor,'' after ''secure,''.

In section 2413(c), strike ''90 days'' and insert ''120 days''.

AMENDMENT NO. 1160

Strike section 205.

AMENDMENT NO. 1161

At the end of title III, add the following:

SEC. 313. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting ''the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a)),'' after ''considering''; and

(2) by striking ''the grievant or'' and inserting ''the greivant, or''.

AMENDMENT NO. 1162

At the end of title VIII, add the following:

SEC. 815. MODIFICATION OF REPORTING REQUIREMENTS ON UNITED SATES PERSONNEL INVOLVED IN THE ANTINARCOTICS CAMPAIGN IN COLOMBIA.

Section 3204(f) of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 577) is amended—

(1) in the heading, by striking ''BIMONTHLY'' and inserting ''QUARTERLY'';

(2) by striking ''60 days'' and inserting ''90 days''; and

(3) by striking ''to Congress'' and inserting ''appropriate committees of Congress (as that term is defined in section 3207(b)(1) of this Act)''.

AMENDMENT NO. 1163

(Purpose: To strike section 2239, relating to the sense of Congress relating to exports of defense items to the United Kingdom)

Strike section 2239.

AMENDMENT NO. 1150

Mr. BIDEN. Mr. President, along with Senator MIKULSKI, I offer the following sense of the Senate amendment with respect to condemning violence against women. It states that the United States should continue to:

condemn violence against women and should urge states to refrain from invoking any custom, tradition or practice in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women referred to in Article IV of the Declaration on the Elimination of Violence against Women.

In this year's session of the U.N. Commission on the Status of Women, the United States sided with Iran, Pakistan and Sudan in opposing the above language in the final report of the Commission's session.

We ought to wonder why. The language was important, critical to support, on its merits and furthermore, it was hardly groundbreaking.

The United States supported it in the 1993 U.N. Declaration on the Elimination of Violence Against Women and in the 1995 Beijing Platform of Action.

This year, the U.S. delegate justified the position of not supporting the language on customs and religious practices by claiming that the United States was seeking consensus in the commission, because some other nations perceived the language as casting religion in a negative light.

This is absurd. Violence against women is an outrage. It happens every day, in America and around the world. It is never justified, and the United States should never miss an opportunity, here and abroad, to condemn it.

Therefore, I have offered this amendment to reiterate the need for the United States to continue to take a stand in condemning violence against women in all forms, and under all circumstances.

AMENDMENT NO. 1154

Mr. AKAKA. Mr. President, I rise today to support Senator FEINSTEIN's amendment to the Fiscal Year 2004 State Department Authorization bill that would require the State Department to submit an annual report on nations that are not cooperating with programs concerning small arms and light weapons.

The U.N. estimates that there are more than 500 million small arms and light weapons in the world and about half of these are illicit. Of the 49 major conflicts fought during the 1990s, small arms were used in 47 of them, causing four million deaths. Ninety percent of the deaths were civilians and eighty percent of those were women and children. The death and destruction caused by small arms and light weapons has led U.N. Secretary-General Kofi Annan to characterize them as a ''global scourge.''

In July 2001 a United Nation's conference took place on the illicit trade in small arms and light weapons. The conference adopted a program of action to eliminate these weapons. The first review of the program of action is taking place this week in New York.

U.S. Assistant Secretary of State for Political-Military Affairs Lincoln Bloomfield echoed Secretary-General Annan's comments in his address to the conference. Mr. Bloomfield told the delegates that, ''the illicit trade in small arms and light weapons poses a serious threat to stability and security in this hemisphere as well as parts of Africa, South Asia, the Middle East, and elsewhere.'' Mr. Bloomfield called on all nations to ''work even more energetically to curb the illicit trade in small arms and light weapons.''

The United States has made a substantial contribution to this effort. Over the past two years, some five million dollars have been spent on destruction assistance programs. U.S.-supported programs in 10 countries have led to the destruction of over 400,000 excess or illegal weapons and 44 millions rounds of ammunition.

The size of the problem means there is much work left to be done. President Bush in a speech last month outlining his agenda for his trip to Africa said that his ''first great goal in our partnership with Africa is to help establish peace and security across the continent.'' He underscored, ''Many thousands of African men and women and children are killed every year in regional wars.'' Africa has suffered terribly from the scourge of small arms. I urge the President to make the control of small arms and light weapons an even greater priority, and I hope the administration will continue to emphasize the importance of controlling and eliminating small arms and seek additional funding when it is needed.

Senator FEINSTEIN's amendment will assist the United States in its efforts to encourage other countries to participate in programs to control these weapons. An annual report on illicit small arms will allow the government to better track countries that are not yet cooperating. It will also allow Congress to be better informed about the State Department's efforts to gain cooperation of those countries.

I thank the Senator for her efforts. We should do as much as possible to address the scourge of small arms that is taking the lives of so many innocent people throughout the world.

AMENDMENT NO. 1155

Mr. AKAKA. Mr. President, I rise today to support Senator BIDEN's amendment to the Fiscal Year 2004 State Department Authorization bill concerning sharing information about the export of small arms with the State Department office responsible for the collection and destruction of small arms.

In July 2001 a United Nation's conference took place on the illicit trade in small arms and light weapons. The conference adopted a program of action to eliminate these weapons. After two years, the first meeting to review progress on this program of action convened this week in New York. U.N. Secretary-General Kofi Annan in a message sent to the conference said, ''It is difficult to overstate the importance of implementation of the program of action.'' He noted, ''After all, small arms and light weapons cause mass destruction. They kill about 60 people an hour or half a million people a year, 90 percent of them women and children.''

U.S. Assistant Secretary of State for Political-Military Affairs Lincoln Bloomfield described to participants the significant contribution the United States has made in the area of destruction assistance programs. Commendably, since early 2001, U.S.-supported programs in 10 countries have led to the destruction of over 400,000 excess or illegal weapons and 44 million rounds of ammunition.

Senator BIDEN's amendment will add needed rationality to U.S. policy in this area. If the United States permits the export of small arms or light weapons, the office within the State Department responsible for the collection and destruction of these arms should be informed. Otherwise we may unknowingly pay states to destroy small arms at the same time that we are giving them more weapons.

I thank the Senator from Delaware for this amendment. It is important that the right hand of the government knows what the left hand is doing. The U.N. estimates that there are more than 500 million small arms and light weapons in the world and around half of these are illicit. We have far to go in our global effort to control and eliminate these illicit arms. Every step we can take to achieve this goal should be pursued.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I rise to update the Senate on where we stand on the State Department authorization bill. We were successful in working through many issues yesterday. In fact, we came to a conclusion on three of the most difficult issues that we expected in the bill, the structure of the Millennium Challenge Corporation, support for Iranian democracy, and the Mexico City policy. This morning, by action of the Senate, we have cleared and passed 14 amendments. We have passed about 20 amendments in less than 24 hours. In addition, 15 to 20 amendments that were mentioned as possibilities will either not be offered or will be worked out. This leaves a declining list of foreign policy amendments that we believe we can resolve today.

I want to encourage Members to come to the floor to offer their relevant amendments. We are in range of finishing the bill. I thank Senator BIDEN again for all he has done to advance the Senate's foreign policy agenda. I likewise thank the majority and minority leaders, and Senator REID especially for his cooperation.

Yesterday, it was announced that State Department authorization bills have traditionally taken much longer than 2 days. While that may be true, it does not have to be the case this time. The two bills that comprise most of the substitute amendment were passed out of the Foreign Relations Committee by a vote of 19 to 0. Republicans and Democrats have worked together closely on these issues. While we have some differences, the members of our committee are united in our belief that the substitute before us will enhance U.S. national security and is vital to our national interests.

The Senate's record this year in moving foreign policy items has been excellent. We have passed a global AIDS bill, the Moscow Treaty, NATO expansion, and other items. The Senate has moved decisively on the Nation's foreign policy business because we recognize as a body that in these perilous times it was our duty to do so. America's national security is at risk and its leaders, entrusted with passing legislation to keep America secure, must continue to do our duty.

Today Senators have an opportunity, as always, to be senatorial. I am hopeful that all Senators with an amendment will come to the floor and help us pass this bill quickly and provide our diplomats the tools they need.

I yield the floor.

The PRESIDENT pro tempore. The deputy leader.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1164 TO AMENDMENT NO. 1136

Mr. REID. I send an amendment to the desk on behalf of Senator REID of Nevada and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DASCHLE, proposes an amendment numbered 1164.

Mr. REID. 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 regarding the rural development crisis in Mexico)

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. SUPPORT REGARDING RURAL DEVELOPMENT CRISIS IN MEXICO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue working closely with the Government of Mexico to help minimize the impact of the current rural development crisis in Mexico; and

(2) that crisis creates a humanitarian, economic, and security imperative for the United States Government to support additional programs focused on the underfunded rural communities of Mexico.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $100,000,000 for programs in Mexico that promote the following:

(1) Micro credit lending.

(2) Small business and entrepreneurial development.

(3) Small farms and farmers that have been impacted by the collapse of coffee prices.

(4) Strengthening the system of private property ownership in the rural communities.

Mr. REID. The amendment offered on my behalf and that of the Democratic leader concerns a country, regrettably, that does not get a lot of attention in the Senate. In recent months—and rightfully so—we have focused intently on Iraq, Afghanistan, North Korea, Iran, Colombia, Pakistan, and many other countries scattered around the globe. Our close neighbor and critical friend to the south, Mexico, too often receives little, if any, attention.

In some respects, the lack of attention may be a good thing. Last Sunday, for example, Mexico held midterm elections that resulted in President Fox's party losing 40 seats in the Mexican Congress in an election that was uniformly recognized as free and fair. It was not too long ago that elections in Mexico would have been front-page news in the United States, and the news would have not been good. In all likelihood, the reports would have told of rigged elections and another power grab by the long-ruling PRI.

So the lack of attention to our friend Mexico is in one sense good news, but in a much larger sense it is a serious problem. The legislation we consider today will authorize billions of dollars for countries, regions, and programs around the world. But we will do very little for the country with whom we share a 2,000-mile border—Mexico.

That is a disappointment, especially in light of that hopeful South Lawn ceremony with President Fox less than 2 years ago with our President. This amendment makes one simple thing very clear: what happens in Mexico is in the national security interests of our country. We should be doing more to help Mexicans who are working hard to help themselves. I believe President Bush summed it up very well last year when he said: ''The United States has no more important relationship in the world than the one we have with Mexico. Good neighbors work together and benefit from each other's successes.'' I agree with our President. It is a special relationship with great economic importance to both nations. But I am disappointed that the President has not backed up his words with action.

Mexico is now the second largest trading partner we have. It is among the top 10 export markets for 43 of our States. It is the ninth largest economy in the world. But this special relationship we share with Mexico is in desperate need of repair. As we have turned our attention away from Mexico in recent years, economic troubles within the country have grown increasingly serious.

A few years ago, Mexico seemed on the verge of an economic breakthrough. Today, however, Mexico's growth rate is half of what it was in the mid-1990s. This has hurt both their nation and our Nation. Mexico has a poverty rate of almost 40 percent. There are a little over 100 million people in Mexico. That means almost 40 million Mexicans live in poverty. Fifty-three percent of all Mexicans—more than 50 million people—have an annual income of less than $1,400. Twenty-three percent of all Mexicans have an annual income of less than $720. That is less than $2 a day. Income distribution within the country remains especially unequal, and unemployment and underemployment continue to hamper our southern neighbor.

The problems are especially acute in rural areas of Mexico, which have been chronically underdeveloped and underfunded. Rural poverty remains one of the most persistent and serious economic problems facing Mexico. This rural economic crisis threatens the health and well-being of people in Mexico and puts our own economy and security in jeopardy.

Take, for example, coffee growing. Coffee growers in Mexico thrived just a short time ago. They became an indispensable component of Mexico's rural economy. But they have seen the price of their crop drop by 70 percent in just 5 years. These failing commodity prices have led many of these farmers to seek another crop to feed their families. What is that crop? Opium poppies, which are used to make heroin that ultimately makes its way into our country.

I understand that when people have no money, when their families are hungry, and when their livelihood is vanishing before their eyes—think of

Mexico's coffee growers—they look for other ways to survive. Some grow poppies, but others take unbelievable risks to come to America.

Now, I am opposed to illegal immigration. I think everyone should comply with the law. But it has to tear at your heartstrings to see people who are so desperate that they risk their lives to come across the Rio Grande River. They freeze to death in the mountain passes; they die in the deserts of Arizona, New Mexico, and California trying to come to America. They pay what little money they have to demons who tell these people, ''We have a way for you to get to America.'' They cram innocent Mexicans in boxcars and trucks, and subject them to inhumane conditions. This is an all-to-familiar scene that takes the lives of too many innocent human beings.

So while I am opposed to illegal immigration, I understand why desperate people do everything in their power to try to come to America. They risk their lives to cross our border illegally. This places additional strains on our border security officers, who are already overextended. Those who manage to sneak past the Border Patrol and survive the desert and the mountain passes arrive here with few, if any, job skills, so they take any job they can find. They compete for jobs with those who are here legally and tax our social services.

Clearly, this crisis in rural Mexico is not only the business of Mexico; it is our business, too. Should we be concerned about what has gone on in Iraq? Of course we should. Should we be concerned about what is going on in Afghanistan? Of course we should. Should we be concerned about what is going on in Pakistan today? Bangladesh? India? Of course we should. Should the President of the United States be in Africa today? Of course he should.

I traveled to Africa last August. It is an eye opener. As the world's only superpower, we have tremendous obligations. The President is going to commit this Congress to new obligations as he makes his trip around Africa. We have an obligation to do our best to live up to the commitments our President makes as he travels throughout the world.

I do not in any way denigrate what we have done and what we are doing around the rest of the world. I am criticizing what we have failed to do. We have ignored Mexico, and that is wrong. We must remember that what goes on in Mexico concerns our Nation, because in today's world, problems like drugs and poverty do not grind to a halt at our borders. The Rio Grande River is not sufficient to stop the flow of illegal drugs into our country. The Rio Grande River is not sufficient to stop the poverty that comes across our borders in the form of illegal immigration that taxes our social services, our law enforcement officers and our educational system.

But we also share many positive things with Mexico. We have a shared history, a shared culture, even a shared language—I have three sons who speak fluent Spanish. Mexican Americans have helped shape our great Nation. Twenty million people of Mexican ancestry live in the United States today, an increase of 53 percent from ten years ago.

Mr. President, if you still doubt that we have a shared culture with Mexico, look at Nevada. What does the word ''Nevada'' mean? In Spanish it means ''snowcapped.'' ''Las Vegas,'' what does that mean? In Spanish it means ''the meadows.''

In the State of Nevada, which is the fastest growing State in our Nation, Mexican Americans now account for more than 15 percent of the population. That is a 300 percent increase since the early 1990s. Overall, we have seen a 53 percent increase in our country's Mexican American population, but in Nevada it has been 300 percent. That doesn't take into consideration the approximately 5 percent of the population in our state who came from Colombia, Guatemala, Honduras, and other places in Central and South America. So as you can see, Mr. President, the connections between our two nations are real.

But I want to do more than talk about this relationship. Actions speak louder than words. It is time this Congress acted. I want to follow through on President Bush's promise to work, and work together with Mexico. I want to address the very real crisis affecting Mexico's rural communities.

Some of my colleagues have said: Your amendment has some merit, but won't it cost too much money? Well, this legislation we are dealing with here in the Senate today is worth billions of dollars. I think our neighbor to the south deserves part of that largesse.

In recent years we have helped many countries around the world in their hour of need, whether through economic or military assistance. The American people have responded time and time again to crises in far corners of the world. Surely we can answer the call to help our largest trading partner and close ally. I don't think we have a choice. That is why I am proposing this plan to help Mexico lift herself up.

This amendment will not drop money on Mexico's doorstep and hope it gets spent wisely. No, we are not doing that. Any expert who is familiar with what is going on in Mexico will tell you one thing—that the way to stop illegal immigration from that country is to give Mexicans an opportunity to succeed in their own economy. That is what this amendment is all about. And so we are proposing a plan to help Mexico lift herself up by providing the resources for a program to spark redevelopment in rural areas. This amendment would authorize $100 million for microcredit lending, small business entrepreneurial development, aid to small farmers who have been affected by the collapse of prices, and support for Mexico's private property ownership system, which is in bad need of repair.

President Fox is confronted with problems all over Mexico, but none are more difficult than those of rural Mexico. Commodity prices have fallen through the floor—not only coffee, but others, as well. Mexico's young people are fleeing its historic farming areas for Mexico City.

Mexico City is the largest city in the world, with 21 million people at last count. It is also the most polluted city in the world. I went there and met with State Department officials. Our State Department officials receive hazard pay for living in Mexico City, but not because anybody is shooting at them. They receive it because the city's air is so detrimental to their health. And each day, more desperate people come to this overcrowded, polluted city from rural Mexico. The country is trading its rural future for increased unemployment in Mexico City. That is a bad switch.

Let me talk briefly about each of the provisions of this amendment. First, microcredit lending programs have been enormously successful throughout the world. The goals of these programs are to provide small loans to nontraditional sectors of the economy that would ordinarily not be supported by the main financial institutions of the country. Flexible repayment procedures and low interest rates are hallmarks of microcredit enterprises.

Our distinguished chairman of this committee has had such a significant impact on the world as a result of his involvement in this committee on which he serves, the Foreign Relations Committee. There are programs that have his name attached to them. The first one that comes to almost everyone's mind, of course, is Nunn-Lugar, which was a program that was introduced by two great statesmen—Nunn from Georgia, LUGAR from Indiana—to work on a problem in the former Soviet Union that seemed to be unsolvable. Nunn-Lugar made tremendous strides in the direction of solving the problems we had with nuclear programs in the former Soviet Union.

So I say to my distinguished Chair of this committee, I know the Senator from Indiana understands and has seen examples of how a few dollars, with our microlending programs in other countries, have been magnified and have helped individuals and regions and entire countries.

That is what we are trying to do here.

The evidence of microcredit lending clearly suggests that a small amount of money can have a huge impact on an economy by helping significantly in villages and rural communities and with small businesses. These programs ought to be rolled out to rural parts of Mexico, as they have been in other parts of the world where the need for such innovative lending was clear. My amendment would start this process.

Second, there is a lot of business activity just above the microenterprise

level which large banks and financial institutions simply won't support because of lack of collateral or creditworthiness. These are typically small businesses and entrepreneurs who are trying to get started and who many times do not even have money for further training. This amendment supports efforts to boost programs directed at small businesses and entrepreneurial development, which is critical for maintaining a diversified and balanced rural economy. When small businesses and entrepreneurs leave the rural communities for larger Mexican cities or even the United States, that spells the beginning of the end for parts of rural Mexico.

The third part of this amendment would implement programs to help the Mexican farmers who have been hurt by the falling prices of coffee and other commodities. On average, Mexican coffee farmers are being paid 70 percent less than they were just 5 years ago. As a result, these once thriving farmers and farmhands are seeking work in larger cities.

But when they come to these larger cities, they do not check into an apartment with air-conditioning or inside toilets. They cannot stop at the 7–Eleven and buy something for dinner. They live in shantytowns—homes made of cardboard. We all have seen shantytowns. It is disgraceful that people have to live that way. But many of the 21 million people living in Mexico City live in shantytowns. Agencies should be helping rural farmers to keep cultivating their usual crops, so they don't turn to illegal crop production or become desperate and abandon rural Mexico entirely.

Finally, the fourth component of this amendment—and I believe it is an important part—is to support private property ownership in rural communities, and to do it through increased mortgage financing.

If you want to sell your home in this country, it is very simple. If someone wants to buy it, they go to a title company. They go to somebody who has abstract deeds, and they run that through the legal process to find out if you really own that home, and if you do, whether there are any liens against your property in the way of debt which you haven't paid. By the time that person sells that home, the person who buys it knows everything about that real estate he wants to buy from you. You can't do that in most places in Mexico. They have no legal system to do that.

If you live in rural Mexico and you own a home, you live in that home for the rest of your life. You can't borrow money to fix it up. It is worth nothing because you can't sell it. It is, in effect, debt capital in more ways than one.

Sound and secure property rights are a fundamental part of any market economy. But the framework of property rights in Mexico is in a state of disrepair. The lack of security in property transactions has resulted in a substantial decrease in the availability of credit.

For example, mortgage financing funds only about 40 percent of new households in Mexico. Why? No one will lend money to people who do not own homes or have liens against a home. Families do not have equity in their homes, and the homes can't easily be sold unless cash is paid upfront. The impact of all this is particularly severe in rural communities, where the only alternative to living in the same dilapidated home for the rest of your life is to flee to a big city. The United States should act expeditiously in this area to help Mexico get its property rights back on track. We can do that today by passing this amendment.

So to summarize, Mr. President, the four components of this amendment are microcredit lending, small business and entrepreneurial development, assisting small farms, and supporting an enhanced system of private property ownership.

As I indicated earlier, some of my colleagues have already said this will cost too much money. I agree that it will cost a lot of money, even by Washington standards. But I also recognize that Mexico is in a dire crisis. Mexico is our friend, and it is in our interest to help Mexico. By doing this, we will help Americans as well as Mexicans.

I recognize that immigration and drug trafficking from Mexico present a real problem for the United States. I have talked about that. Especially for States, such as Nevada, that are on the front line of this battle, it is a very difficult problem.

I don't think this is a typical aid package. As I mentioned earlier, it is no handout. It is a commitment to free-market-based programs that will spur long-term development and growth in rural areas of Mexico. It is not only the right thing to do, but it also will have a positive impact on the United States by reducing the strain upon our society caused by illegal immigration and the deadly flow of drugs. Furthermore, a stronger and more economically sound Mexico will be a better trading partner for the United States. The better off Mexico is economically, the better off we are, because we will have a greater opportunity to sell them products we develop here.

I have always supported aid to Mexico. Others have objected to it and said it is not necessary, but I have always supported it. It was necessary then, and it is necessary now. It is in our humanitarian interests, our economic interests and our security interests. That is why I say we have to make these investments in Mexico today. If we can afford to help so many other countries in the world, we ought to be able to help our friend with whom we share so much and with whom we share a 2,000-mile border.

As President George W. Bush said:

> We have no more important relationship in the world than the one we have with Mexico.

This amendment will prove whether the United States will do more than just talk about our relationship with Mexico. As I said earlier, are we going to talk, or are we going to act? Actions speak louder than words.

I ask my colleagues to support this amendment. This is so important for our country and for the country of Mexico.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator for his analysis of Mexico. Certainly we ought to underline the importance of the relationship. I believe it is deeply felt by most Americans who are interested in our neighbors to the south and to the north.

Under the North American Free Trade Agreement, we have been trading a great deal more, much to the benefit of both of our countries. There is increased wealth in Mexico; likewise, its distribution and whether it is getting to the rural people the Senator from Nevada has discussed.

I would say, first, in perspective, in the fiscal year 2003 budget of the United States, about $43 million was allocated in foreign assistance to Mexico. The President has requested that for fiscal year 2004—the one we are now discussing—that be increased now to a total of $67.5 million. So the United States, in its foreign assistance, recognizes a number of ways in which our country can work with the people of Mexico for the betterment of people on both sides.

But let me say generally about all of this that the analysis that the Senator has given would be important as testimony in our committee process, as dialog with our Department of State, to try to think through the priorities of how U.S. assistance to Mexico should best be spent.

The Senator has offered some excellent items in terms of microloans, rural development prospects. There are numerous areas in Mexico that require our retention and our cooperation. I would say, once again very generally, committing $100 million to any country in addition to that which we are now expending is a matter of no small moment. It is worthy of the attention of the committee and the proper procedures of consultation with our diplomats and with those in the State Department who have responsibility for that country and that portfolio.

Furthermore, we face an important point as Senators in looking at this amendment. As I commenced the debate on the State Department authorization bill and foreign assistance authorization bill, we pointed out we have been careful to observe the budget agreement, the budget we all came to in the Senate. Clearly, the $100 million that would be authorized by this amendment is not a part of that budget. It was not requested by the President. It clearly would be money that

would have to be subtracted from other programs for other countries or from American diplomacy generally. In essence, it is not money that can be added on at this particular juncture.

There was a point in which we were having the budget debate in which Senators could have indicated more money for foreign assistance, more money for the State Department or American diplomacy. As I have reviewed the bidding from that procedure, I pointed out and commended all of the Senators who worked with me to restore in the budget $1.15 billion that the President asked for to begin with. So at least we began the procedure with the moneys the President requested.

The $100 million committed to authorization in this amendment is clearly not a part of that process. Therefore, I am going to oppose the amendment on the basis that I think the worthy objectives of the amendment require discussion through the committee system and in consultation with the State Department and with the administration.

Secondly, I think there is a budget problem Senators have to look at squarely. I appreciate in the past it may have been the habit of the Senate, during these authorization processes, to simply authorize money with the hopes that somehow or other appropriators, at the next stage, would either find the money, subtract it from somebody else's program, or generally ignore the request.

Authorization, as we know, is not appropriations, not expenditures; therefore, sometimes Senators, from time to time, have offered an authorization with the hope that somehow in the process the money might be forthcoming or a portion of it. I understand that.

But I would say, in view of the fact that our country is committing in this budget process $67.5 million to Mexico, we are already taking note of obligations and opportunities that we have. The authorization of an additional $100 million in the Reid amendment, without the committee process, and in negotiation with the State Department, in my judgment, is inadvisable. Therefore, I oppose the amendment.

Mr. President, I would like to engage the distinguished Senator from Nevada in a short colloquy.

May I ask the Senator if he is prepared to proceed to a vote on his amendment.

Mr. REID. I am. I would like 5 minutes more in which to speak.

Mr. President, I ask unanimous consent that Senator BOXER be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, let me just say that I have already stated in my remarks the great admiration I have for the distinguished chair of this committee. He is a good man, a good Senator, but I certainly disagree with the statements he made that this matter was not brought before the committee in the form of an amendment. I have not been here as long as the Senator from Indiana but I have been here quite a while, and I understand that not all Senators have the opportunity, if they do not serve on a committee, to offer amendments.

I know Senator BIDEN and Senator LUGAR do the best they can to bring a bill they think is responsible before the Senate. But had I been on the committee—which I am not—I would have offered an amendment such as this. I do not think there is a higher priority we have, not only from our security interests but from the simple merit of any proposal, than this one right here. I think it is very important that we recognize Mexico.

I am now one of the senior members of the Appropriations Committee, and I do not quite understand why we are being so frugal with Mexico. We are not so frugal with other countries. I think Mexico deserves this. I ask Members of the Senate to understand there is no budget point of order against what I am doing. If this were an appropriations bill or had some budget implications other than that, that might be the case, but Senators can vote for this amendment. If the appropriators can't find enough money, then fine, that is the appropriators' problem.

This body has a leading role to play in foreign affairs. We cannot be dictated to by the administration. President George Bush is President George Bush; he is not King George Bush. We have three separate but equal branches of Government: the judicial, the legislative, and the executive; and we are equal. I have a different philosophy than the President about what we should do for Mexico. He believes we should talk about it and not do a great deal about it. I believe actions speak louder than words. Now, maybe I am wrong but that is how I feel, and I have a right to feel that way.

I am 1 of 100 Senators. If the Senators want to walk in here and say thumbs down to Mexico, I think it is too bad for this Senate but they are going to have an opportunity to vote to help our neighbor.

Congress has a leading role to play in foreign affairs. We cannot defer to what the State Department wants to do. The State Department, directed by this administration, has not done a good job in taking care of Mexico. It has been all talk. There are some who have written, since the elections in Mexico a few days ago, that the reason President Fox took a drubbing in the elections is because the United States has not done anything to help Mexico.

Maybe, when this bill goes to conference, there should be some rearranging. If this amendment is adopted, maybe the people who serve on these committees in the House and the Senate will have to do some rearranging of priorities but that is what we do in conference all the time.

I think anything we can do to help the Mexican people is a direct help for us. Anything we can do to stop people from being forced to leave—Mr. President, people do not suddenly say in Mexico: Well, I guess I'm going to head for the United States. I haven't anything better to do. They are driven to the United States out of poverty, out of desperation. This amendment will allow these people to stay home. It will help Mexico City. It will help stop the tremendous flow of people into that city, the largest city in the world.

This is the right thing to do. It is the right thing to do morally. It is the right thing to do for the security of the Nation—I mean the security of this Nation. It means more than just less crime, less burden on our education system, our health services, but it is economic security in many other ways. This is good for both countries.

I respect my friend from Indiana, the distinguished chairman of the committee. I can't believe that in his heart he believes there is anything wrong with this amendment. I ask my friends to support it.

I have nothing more to say.

Mr. LUGAR. Mr. President, I thank the distinguished Senator. I would like to suggest to him that in view of testimony occurring before the committees presently, the Senator might consider laying the amendment aside temporarily and that it might be voted upon perhaps at 11:30 this morning. Would the Senator be amenable to that idea?

Mr. REID. I would be happy to enter an agreement with the Senator that at 11:30 today the Reid-Daschle amendment would be voted on. I would like an up-or-down vote on the amendment, and there would be no second-degree amendments in order. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I agree that it is an up-or-down vote at 11:30.

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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1170 TO AMENDMENT NO. 1136

Mrs. MURRAY. 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 Washington [Mrs. MURRAY], for herself, Mr. KENNEDY, Mr. DURBIN,

Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, and Mr. REED, proposes an amendment numbered 1170.

Mrs. MURRAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional weeks of temporary extended unemployment compensation for individuals who have exhausted such compensation and to make extended unemployment benefits under the Railroad Unemployment Insurance Act temporarily available for employees with less than 10 years of service)

After title IX, add the following:

TITLE ___—UNEMPLOYMENT COMPENSATION

SEC. ___. ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR EXHAUSTEES.

(a) ADDITIONAL WEEKS.—Section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by adding at the end the following:

''(d) INCREASED AMOUNTS IN ACCOUNT FOR CERTAIN EXHAUSTEES.—

''(1) IN GENERAL.—In the case of an eligible exhaustee, this Act shall be applied as follows:

''(A) Subsection (b)(1)(A) shall be applied by substituting '100 percent' for '50 percent'.

''(B) Subsection (b)(1)(B) shall be applied by substituting '26 times' for '13 times'.

''(C) Subsection (c)(1) shall be applied by substituting '7 times the individual's average weekly benefit amount for the benefit year' for 'the amount originally established in such account (as determined under subsection (b)(1))'.

''(D) Section 208(b) shall be applied—

''(i) in paragraph (1), as if '', including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section'' were inserted before the period at the end;

''(ii) as if paragraph (2) had not been enacted; and

''(iii) in paragraph (3), by substituting 'the date that is 21 weeks after the date of enactment of Energy Policy Act of 2003' for 'March 31, 2004'.

''(2) ELIGIBLE EXHAUSTEE DEFINED.—For purposes of this subsection, the term 'eligible exhaustee' means an individual—

''(A) to whom any temporary extended unemployment compensation was payable for any week beginning before the date of enactment of this subsection; and

''(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account, including amounts deposited in such account by reason of subsection (c)) before such date of enactment.''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(2) TEUC–X AMOUNTS DEPOSITED IN ACCOUNT PRIOR TO DATE OF ENACTMENT DEEMED TO BE THE ADDITIONAL TEUC AMOUNTS PROVIDED BY THIS SECTION.—In applying the amendment made by subsection (a) under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 26), the Secretary of Labor shall deem any amounts deposited into an eligible exhaustee's (as defined in section 203(d)(2) of the Temporary Extended Unemployment Compensation Act of 2002, as added by subsection (a)) temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as ''TEUC–X amounts'') prior to the date of enactment of this Act to be amounts deposited in such account by reason of section 203(b) of such Act, as amended by subsection (a) (commonly known as ''TEUC amounts'').

(3) REDETERMINATION OF ELIGIBILITY FOR AUGMENTED AMOUNTS FOR ALL ELIGIBLE EXHAUSTEES.—The determination of whether the eligible exhaustee's (as so defined) State was in an extended benefit period under section 203(c) of such Act that was made prior to the date of enactment of this Act shall be disregarded and the determination under such section, as amended by subsection (a) with respect to eligible exhaustees (as so defined), shall be made as follows:

(A) ELIGIBLE EXHAUSTEES WHO RECEIVED AND EXHAUSTED TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was augmented under such section 203(c) before the date of enactment of this Act, the determination shall be made as of such date of enactment.

(B) ELIGIBLE EXHAUSTEES WHO EXHAUSTED TEUC AMOUNTS BUT WERE NOT ELIGIBLE FOR TEUC–X AMOUNTS.—In the case of an eligible exhaustee whose temporary extended unemployment account was not augmented under such section 203(c) as of the date of enactment of this Act, the determination shall be made at the time that the individual's account established under section 203 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28), as amended by subsection (a), is exhausted.

SEC. ___. TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.

Section 2(c)(2) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)) is amended by adding at the end the following:

''(D) TEMPORARY AVAILABILITY OF EXTENDED UNEMPLOYMENT BENEFITS FOR EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an employee who has less than 10 years of service (as so defined), with respect to extended unemployment benefits, this paragraph shall apply to such an employee in the same manner as this paragraph applies to an employee who has 10 or more years of service (as so defined).

''(ii) APPLICATION.—Clause (i) shall apply to—

''(I) an employee who received normal benefits for days of unemployment under this Act during the period beginning on July 1, 2002, and ending on December 31, 2003; and

''(II) days of unemployment beginning on or after the date of enactment of the this subparagraph.''.

Mrs. MURRAY. Mr. President, in May, after weeks of Democratic efforts, Congress extended unemployment benefits for the 2½ million Americans who have been laid off due to the economic downturn in this country. So far, our Republican colleagues have refused to include assistance for the 1.1 million Americans who have been hit hardest by this economic crisis—those long-term unemployed who have already run out of their unemployment benefits.

Mr. President, I come to the floor to offer this amendment before the Senate. The amendment will provide additional unemployment insurance compensation to more than 1 million Americans who have exhausted all of their unemployment insurance benefits.

I ask unanimous consent to add Senators KENNEDY, DURBIN, DASCHLE, SARBANES, CLINTON, and REED as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. The Murray amendment provides an additional 13 weeks of benefits for unemployed Americans who have exhausted all of their Federal unemployment benefits. That means we will be giving additional assistance to American workers who have been out of work for 9 months or more.

My amendment provides 7 additional weeks of benefits for unemployed Americans who have already received 26 weeks of benefits because they live in a State hit hardest by the ongoing recession.

Finally, my amendment provides parity to railroad workers currently ineligible for extended benefits.

The amendment before us would cost $2.5 billion, but it would help more than a million American workers and their families.

Mr. President, we are talking about the people in this country who have been hit hardest by this recession. We are talking about workers who have run out of options but still have to pay their mortgage; they still have to pay their medical bills; they still have college tuition to pay.

One recent study concluded that unemployed workers do not have significant savings to carry their families through an extended period of unemployment. Unemployment rates normally replace less than half—50 percent—of lost wages. What this means is unemployed workers are draining their savings accounts just to survive. The problem is even more acute for the long-term unemployed. Many of those have drained their savings entirely. They have nothing left.

Last week's June 2003 unemployment report clearly demonstrates the need for this amendment at this time: 30,000 jobs were lost in the month of June; jobs have been lost for the last 5 consecutive months in this country; more than 394,000 jobs have been lost since January of this year; 9.4 million Americans are now unemployed; 3.4 million Americans have lost their jobs just since President Bush took office.

Mr. President, we will soon be in the longest job recession since the 1930s and the Great Depression. My State of Washington has the second highest unemployment rate in the Nation. The unemployment rate in my State is 7.3 percent, and that is just the official unemployment rate.

One recent business columnist suggested the actual unemployment rate for the State of Washington could be as high as 11.8 percent if you count all of Washington's unemployed workers.

All across Washington—in every sector and every region—we are continuing to see job losses. One recent economic report predicted it would be 2005 before any real job creation occurs in Washington State. That is a long time for people who have been out of work for 9 months or more.

My colleague from Oregon, Senator WYDEN, is in the Chamber. He and I share the distinction of being in States with the highest unemployment for the last number of years.

We know when we go home that we are going to be faced by neighbors, by friends in every community across our State who will have been on unemployment, through no fault of their own. They want to be at work. They want to support their families. They want to send their kids to college. They want to pay their mortgages. They want to pay for health care. They do not have jobs. They do not have opportunities. And we have a responsibility to make sure they do not lose everything because of a recession that has been no fault of their own.

Despite the rosy projections of economic growth and recovery that we keep hearing from this administration, we have to tell you there are many real Americans who are suffering through this economy every day.

In my State, there are about 20,000 workers who would benefit from the amendment that is now before the Senate. I have met with these workers who are struggling today. We have lost 35,000 Boeing manufacturing jobs in the last 2 years alone. On an almost daily basis, my office gets calls from workers who are desperate, who have lost their benefits or who will soon lose their unemployment insurance compensation. In fact, yesterday I received a phone call from a gentleman named Richard, and I want to read the message he left my office: He said:

> I live on Camino Island. I'm a laid off Boeing worker. I got laid off a year and a half ago. And I'm in school right now. My unemployment insurance just ran out. I have 8 months left of school. . . .I'm really concerned right now. . . .That money would have been a godsend. I worked for Boeing for over 12 years.

This could be anyone working hard, raising their family, working for Boeing for 12 years and, through no fault of their own, through an economic recession in this country, through September 11, through a downturn in our airline industry, this gentleman was laid off. He is now trying to get his life back together. He is going to school. He does not want to lose everything. He wants to contribute back to this economy and to this country. He needs us to extend unemployment insurance to give him that kind of assurance that this country is there for him in the good times and in the tough times.

There are a lot of workers, such as Richard from Camino Island, in my State who are losing their benefits. Many of these workers are losing hope in this current economy. This amendment gives more than 1 million American workers and their families new hope, new assurance that their country is there for them.

I urge my colleagues to support this amendment. I urge its adoption this morning on this bill. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Washington has offered this very timely amendment. We have spoken to the two managers of the bill. We are awaiting instructions from the leadership as to whether we would have a vote following the amendment that is pending, the Reid-Daschle amendment.

In the meantime, Senator ALLEN and Senator HARKIN wish to offer an amendment, and Senator CLINTON and Senator WYDEN. Senator ALLEN wishes to speak, he said, for 5 minutes; is that correct?

Mr. ALLEN. Mr. President, 10 minutes and 5 minutes for Senator HARKIN.

Mr. REID. And Senator WYDEN and Senator CLINTON wish to speak for 5 minutes. We could do that and make that just right for about an 11:30 vote.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LUGAR. I object for the moment. I want to respond.

Mr. REID. Let's get this resolved first.

Mr. LUGAR. I object temporarily to the request for the yeas and nays. I will go along with that shortly. I am just trying to work with the distinguished leader on procedure.

Senator NICKLES requires 10 minutes for debate on the Murray amendment.

Mr. REID. Mr. President, that would put us to 5 after. Senator MURRAY asks for 5 minutes to respond. We have Senator ALLEN who wishes to speak for 10 minutes, Senator HARKIN for 5 minutes, and then we have Senator CLINTON for 5 minutes and Senator WYDEN for 5 minutes, and that puts us at 25 to the hour. Then I am sure we can have the vote at 11:35 a.m. or 11:40 a.m. and get everyone in to speak.

I ask that the Senator from Washington be given the opportunity to have her amendment seconded so she can have a vote on it; Otherwise, we will just go into a quorum call. I have the floor. We ought to vote on her amendment at some time agreed to by the leadership.

Mr. LUGAR. I agree the distinguished Senator should have a rollcall vote on the amendment. I will probably make a motion to table at the appropriate time.

Mr. REID. We understand that. We understand it will be on or in relation to the Murray amendment.

Mr. LUGAR. We on our side are trying to work out an agreement. Presently it is being drafted. Both sides are attempting to work out voting arrangements. It might be available. It might be useful to set aside the Murray amendment temporarily to listen to Senator ALLEN.

Mr. REID. I ask unanimous consent that when we go to the Allen-Harkin amendment, the Murray amendment be set aside temporarily and that he be allowed to speak for 10 minutes and Senator HARKIN for 5 minutes, and that following his remarks, as in morning business, the Senators from Oregon and New York be recognized for 5 minutes each; that we then go to Senator NICKLES and Senator MURRAY and finish debate on her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1165 TO AMENDMENT NO. 1136

Mr. ALLEN. Mr. President, I call up amendment No. 1165.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Virginia [Mr. ALLEN], for himself and Mr. HARKIN, proposes an amendment numbered 1165.

Mr. ALLEN. 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 clarify the definition of blocked assets for purposes of the Terrorism Risk Insurance Act of 2002)
>
> At the end of title VIII, add the following:
>
> **SEC. 815. CLARIFICATION OF BLOCKED ASSETS FOR PURPOSES OF TERRORISM RISK INSURANCE ACT OF 2002.**
>
> (a) CLARIFICATION.—Section 201(d)(2)(A) of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 116 Stat. 2339; 28 U.S.C. 1610 note) is amended by inserting before the semicolon the following: '', any asset or property that in any respect is subject to any prohibition, restriction, regulation, or license pursuant to chapter V of title 31, Code of Federal Regulations (including parts 515, 535, 550, 560, 575, 595, 596, and 597 of such title), or any other asset or property of a terrorist party''.
>
> (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of the Terrorism Risk Insurance Act of 2002, to which such amendment relates.

Mr. ALLEN. Mr. President, I rise with my colleague, Senator HARKIN of Iowa, to present amendment No. 1165 which simply clarifies the congressional intent of the Terrorism Risk Insurance Act passed last year by this Chamber. This amendment will finally allow American victims of terrorism the opportunity for justice and the compensation they deserve.

Unfortunately, despite repeated action taken by the Senate and by the Congress, many American victims are still debating with their own Government to seek compensation from states supporting terrorist activities.

Last year, the Senate approved an amendment that Senator HARKIN and I

offered to the Terrorism Risk Insurance Act that was intended to permit victims of state-sponsored terrorism to satisfy their court-ordered judgments for compensatory damages. That amendment was resoundingly approved by a vote of 81 to 3.

We sent a clear message that we are committed to stand beside the U.S. victims of terrorism and make sure they attain justice to which they are entitled. Indeed, several hundred Americans successfully satisfied their judgment under last year's law under assets of terrorist nations that were held by our Government. However, some executive branch officials have attempted to prevent American victims of terrorism from using Iranian assets held by the U.S. Government to satisfy their judgments against Iran for their complicit terrorist activities.

Some misguided and apparently confused Government officials are under the impression that Iranian assets fall outside the definition of ''blocked assets'' and, therefore, cannot be used to satisfy judgments awarded to American victims.

For some reason, there are some in the State Department who have found that the assets of terrorist states, such as Libya, Sudan, North Korea, and Cuba, are blocked but assets specific to Iran are merely regulated, and therefore not eligible for American victims to receive awards.

This maladroit bureaucratic interference is once again preventing these funds from being used to compensate American victims who have brought lawsuits in our Federal courts. The cases have been heard. The evidence has been presented. They have won their cases and they have secured court-ordered judgments. They are real human beings, such as Edwina Hegna of Virginia. In the 1980s, Mrs. Hegna's husband, Charles Hegna, was an employee of the United States Agency for International Development. In 1984, he was on a commercial airplane flight from Kuwait City to Karachi, Pakistan. That plane was hijacked by Hezbollah, an Iranian-backed organization. The terrorists demanded that all Americans reveal themselves. Mr. Hegna stepped forward. The terrorist then beat and tortured him.

Upon landing, they forced him to kneel. In testimony, witnesses talked about hearing Mr. Hegna praying for his life. He was then shot in the stomach and thrown 20 feet to the tarmac below. He was still alive, though, on that tarmac. Although many bones were broken in his lower body, he did not die. He laid in agony on the tarmac for over an hour. An ambulance finally arrived. The terrorists, when seeing the ambulance coming, leaned out of the airplane door and shot him repeatedly. He died in that ambulance at the age of 50.

He is survived by his wife and their four children. The Hegna family currently has been awarded a compensatory judgment but is unable to receive any compensation from Iran's estimated $237.5 million of net assets reported in this year's Treasury Department report on terrorist assets.

The Senate and Congress must restate the congressional intent, and we must restate it a second time so the Hegna family and all victims—whether they are in Iowa, New York, New Hampshire, all across our Nation—ought to be compensated from the blocked or regulated assets of terrorist nations, and their sponsors must be held responsible and accountable for their vile acts. However, since Congress enacted legislation covering these assets, mistaken bureaucratic interpretations maintain those assets are not subject to the provisions in the Terrorism Risk Insurance Act passed last year.

Let's stop playing games. Let's allow these victims and their devastated families the right to get after these assets.

Let me be clear with my colleagues about what this amendment does not do because we possibly will hear some arguments on this. What this amendment does not do, No. 1, it does not in any way change or expand the definition of blocked assets as defined in the Terrorism Risk Insurance Act, which this amendment was passed last year, 81 to 3. The definition has always intended to include these so-called regulated assets.

No. 2, it does not expand the scope of entities which could be held liable. To the contrary, existing law is broad enough and already ensures that all agencies and instrumentalities of state sponsors of terrorism are subject to the terms of the Terrorism Risk Insurance Act. Nothing in this amendment changes that definition.

No. 3, it does not eliminate or make any changes to the executive branch's flexibility or managing of sanctions. The amendment simply prevents bureaucrats from undermining the intent of the Terrorism Risk Insurance Act.

Lastly, this amendment does nothing to change the policy established by the provisions of the Terrorism Risk Insurance Act and the Harkin-Allen amendment passed last year by an 81-to-3 vote. We must send a clear message that, regardless of confused bureaucracy, we are going to stand strong for justice and hold terrorists responsible for their vile actions. Therefore, I respectfully ask my colleagues to stand with these victims of state-sponsored terrorism, stand with their families and allow them to get some kind of satisfaction, compensation, and proper recourse to justice. I urge my colleagues to support this amendment.

After Senator HARKIN speaks on this amendment, I will ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Virginia for his statement and his persistence. I remember him pushing this amendment last year. I was privileged to cosponsor the amendment. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I compliment my colleague from Virginia for his efforts.

Mr. ALLEN. Mr. President, I thank my colleague from Oklahoma. It means a great deal to our efforts to have his leadership and support behind this amendment.

Seeing that my colleague from Iowa, the cosponsor of this amendment, has not yet arrived, and in the effort to have things move along, I yield the floor but reserve for him 5 minutes. Then, at the conclusion of his statement, I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Virginia for offering his amendment. As the Senator from Oklahoma has said, his has been persistent on behalf of the victims.

The administration has proposed a comprehensive program for addressing compensation for all U.S. victims of terrorism. I have introduced that proposal, by their request, as S. 1275. The Committee on Foreign Relations will hold hearings on the proposal on July 17. I hope our committee will have the benefit of considering the proposal, deliberating on it, and offering its best advice to the Senate.

Senator BIDEN and I are prepared to accept the amendment. We would like to do so at this stage as opposed to having a rollcall vote, or a voice vote for that matter.

Mr. ALLEN. I certainly would not object to a voice vote. I ask my chairman, Senator LUGAR, if we could have a voice vote. I think it is important we have a voice vote to make sure those in the bureaucracy best understand the intent.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask sometime that Senator HARKIN be recognized for up to 10 minutes to speak on the amendment. He is in the Chamber, and that is fine. I ask if Senator HARKIN would have any objection to our passing the amendment and then he be recognized to speak on the amendment that is approved. We have a UC we are trying to get through.

Mr. HARKIN. That is fine.

Mr. LUGAR. If the Chair would proceed to the question.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1165.

The amendment (No. 1165) was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that the following Senators be recognized to speak prior to the sequence of votes: Senator HARKIN for 5 minutes, Senator NICKLES for 10 minutes, Senator MURRAY for 5 minutes, Senator KENNEDY for 5 minutes,

and that following the debate the Senate proceed to the vote on the Reid amendment to be followed by a vote in relation to the Murray amendment No. 1170; provided that there be 2 minutes equally divided in the usual form for debate prior to each of the two votes.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I remind everyone that Senators CLINTON and WYDEN have already been recognized in a previous order to speak for up to 10 minutes. They will each take 5 minutes. I also ask that the Senator from Maryland be recognized for 5 minutes. He has called and wishes to speak. I also ask that there be no second-degree amendment in order prior to a vote on or in relation to the amendment offered by the Senator from Washington. Part of this consent, if everyone uses their time, would bump up the vote for a few minutes but not much.

Mr. NICKLES. Reserving the right to object, and I shall not object, I believe the Senator from Iowa, Mr. GRASSLEY, may wish to speak. I am not positive about that but I reserve 5 minutes for him since this deals with the committee of which he is chairman.

Mr. REID. We would accept that.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I compliment and commend my friend and colleague from Virginia for his unrelenting efforts to make sure victims of terrorism and their families are duly compensated for the acts of terrorism done to them and to their families by various government entities abroad. Senator ALLEN has been in the forefront of this fight. I am proud to join him as a cosponsor of this amendment to again reinforce our commitment to the American victims of State-sponsored terrorism.

We are united as Americans to meet the threat of terrorism. Even as we track down the terrorists and defend America, we must never forget that terrorists acts are ultimately stories of human tragedy. We must never forget the victims, victims such as Kathryn Koob from Waverly, IA, who sought to build cross-cultural ties between the Iranian people and the American people, only to be taken hostage in the U.S. Embassy in Tehran and held captive for 444 nightmarish days in Iran.

This amendment by Senator ALLEN and myself and others will enable American victims of terrorism to receive compensation from blocked or frozen assets of foreign governments that sponsored the attacks upon them.

Despite repeated provisions passed by Congress and enacted by the President most recently as part of the Terrorism Risk Insurance Act of 2002, again the amendment on which both Senator ALLEN and I had worked, American victims of terrorism continue to be denied court-awarded compensation.

Last year, Congress passed this amendment that Senator ALLEN and I cosponsored 81 to 3 as part of the Terrorism Risk Insurance Act. This law required that compensation to American victims of Iran-sponsored terrorism be made from all blocked Iranian assets. Unfortunately, the State Department has decided to play semantics in order to get around the law, saying Iranian assets held by the United States are ''regulated,'' not ''blocked.''

This amendment offered today by Senator ALLEN and myself and others makes explicitly clear the meaning of ''blocked.''

Regulated, frozen, seized, held, licensed, restricted or anything of similar meaning, no matter by what specific legal authority Iranian funds are held by the U.S. Government.

So this should clear it up. It is a matter of fairness to the victims. It is also a matter of fairness for the American taxpayer. The executive branch of the Government actively opposes the use of blocked or frozen assets to pay court-ordered compensation but calls, instead, for compensation to be paid with U.S. tax dollars. I believe this is backwards. State sponsors of international terrorism, not the American taxpayer, must be compelled to pay these costs first and foremost.

I don't know how Congress can make itself more clear. But let's try to make it clear again that we will continue to speak on the Senate floor about this issue until all American victims of State-sponsored terrorism receive the compensation they were awarded from those who perpetrated the attacks upon them.

I am honored to join Senator ALLEN and others today and to send a strong message to State sponsors of terrorism that they will pay for what they have done, and an equally strong message to American victims of terrorism that their country supports them.

I ask unanimous consent I be added as a cosponsor to the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I notify my colleagues I plan to offer another amendment later today that will be dealing, again, with aspects of reconstruction in Iraq regarding people with disabilities having access to places being rebuilt.

Finally, I compliment my friend and colleague from Virginia, again, for his untiring, unrelenting effort to make sure that victims of terrorism are awarded compensation. These are not people who just get the money; they have to go to court. They have to prove their case. If they are successful, then they will be awarded compensation from the countries that sponsor this State-sponsored terrorism. I am proud to join as a cosponsor.

Mr. ALLEN. I say to my colleague from Iowa, I know the Senator's passionate leadership on this issue has been truly a key in propelling this forward. It is a pleasure to work together. It is good to see somebody who cares strongly about justice. And as with so many efforts in the Senate, we need bipartisan leadership. I very much appreciate your vigor, your strength, your courage. You keep us going. You are a good captain of this team. We will keep fighting for those victims and against those terrorist states.

Mr. HARKIN. I thank the Senator for his kind words.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, under the earlier unanimous consent request I was given 5 minutes and Senator CLINTON was given 5 minutes to address the matter of competitive bidding for Iraqi reconstruction contracts. I ask unanimous consent I be allowed that full 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1171 AND 1172, EN BLOC, TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send to the desk two amendments, one by Senator LEAHY and one by Senator BIDEN, that have been agreed to by both sides, and I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. LEAHY, proposes an amendment numbered 1171.

The Senator from Indiana [Mr. LUGAR], for Mr. SANTORUM, for himself and Mr. BIDEN, proposes an amendment numbered 1172.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1171

Purpose: To ensure that eligibility for assistance under the Millennium Challenge Account includes a demonstrated commitment to the sustainable use of natural resources

On page 250, line 4, insert the following before the semi-colon; and the sustainable use of natural resources

AMENDMENT NO. 1172

(Purpose: To make a technical correction to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003)

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)''.

The PRESIDING OFFICER. The question is on agreeing to the amendements.

The amendments (No. 1171 and 1172) were agreed to.

AMENDMENT NO. 1171

Mr. LEAHY. Mr. President, I want to thank the managers of the bill for accepting this amendment, and I also want to thank the White House for its support.

This is an amendment of few words—only seven, in fact, but they are important words. The Millennium Challenge Account, MCA, authorized in this bill, provides for a determination by the Millennium Challenge Board of eligibility of candidate countries for assistance. The Board is to determine whether such a country has demonstrated a commitment to several things, including ''just and democratic goverance,'' ''economic freedom,'' and ''investments in the people of such country.'' I support this. It is long overdue for our foreign assistance to be linked to concrete benchmarks like these. Too often, we have squandered U.S. taxpayer dollars on corrupt, autocratic governments that do not share our values or a commitment to democratic and economic reform.

However, as orignally drafted, the criteria for MCA eligibility do not include a country's commitment to protect the environment. Many governments of developing countries have turned a blind eye or even participated in the wholesale destruction of the timber, mineral and fossil resources that are among a country's greatest source of wealth. In Indonesia and parts of South America, the forests and wildlife are being destroyed at an astounding rate. In Angola, billions of dollars in oil revenues have been stolen by corrupt officials, and this continues today. Other countries are rapidly depleting their scarce water resources, or poisoning their rivers and lakes with toxic pollutants. Fisheries are being mismanaged, and valuable arable land is being lost to erosion.

Economic development cannot be sustained without the sustainable management of a country's natural resources, yet few developing countries have adopted laws or policies which adequately reflect the irrevocable link between economic growth and environmental protection. And some countries that have such laws or policies do not enforce or implement them. My amendment addresses this issue by ensuring that in order to qualify for assistance under the MCA, a country must have demonstrated a commitment to ''the sustainable use of natural resources.''

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, for some time now a bipartisan group of Senators expressed concern about the letting of billions of dollars in Iraqi reconstruction contracts without competitive bidding. We have worked very closely with the chair of the Armed Services Committee, Chairman WARNER, and with Senator COLLINS, who chairs the Governmental Affairs Committee. We have been able to attach an amendment to the Defense authorization bill requiring the disclosure of awards that involve closed-bid or no-bid accounts.

But the fact is, as the legislative process goes forward, too much money is now moving out of public coffers into private hands with too little assurance that those hands have won their contracts fairly.

As a result, today Senator CLINTON and I are requesting the immediate public disclosure of all documents relating to USAID's decision to exempt Iraqi contracting from full and competitive bidding. In addition, Senator CLINTON and myself are asking Defense Secretary Rumsfeld for explanations regarding particularly troubling contracts that have recently come to light and have been awarded by his Department.

Recently, a number of Senators have returned from Iraq. Every one of them I have heard discussing their trip, Democrats and Republicans alike, have concluded that the U.S. military will be spending more time in that country than originally calculated. The work to rebuild that ravaged nation will be more difficult rather than less so. Certainly, the billions of dollars of costs to the American people seem only to be going up.

This week, Civil Administrator Paul Bremmer said that just over the next 6 months, Iraqi oil revenues will be $2 billion short of what will be needed to finance occupation and reconstruction. U.S. taxpayers are being asked to fund the difference. They are being asked to fund the difference for the 6 months and presumably for the foreseeable future. Yet the rationale behind much of this cost remains unknown to the American people and even to the Congress. Companies have been given contracts for work in Iraq with little or no competition and no explanation.

The history of this, documented by the General Accounting Office, is such that this is a very unwise approach. The General Accounting Office has repeatedly said sole source or limited source contracts are not the best buy. They found that military leaders have often simply accepted the level of services given by a contractor without once asking if it could be done more efficiently or at a lower cost. Yet these noncompetitive contracts now seem to be the rule rather than the exception when it comes to Iraqi reconstruction.

In my view, when Federal agencies employ a process that may expose taxpayers to additional costs, the need for explanation increases manifold.

There is a crying need for transparency in how these billions of dollars are being spent. On April 19 of this year, a $50 million policing contract was awarded through closed bidding. On the same day it was reported that an $8 million contract for personnel services had been awarded nearly a month before the war began.

Think about that—awards actually before the conflict began. By the time the end of hostilities was officially declared in May, billions of dollars of contracts had already been awarded.

Fortunately, the news media has helped to get out the word about some of these issues. Right now the media is the American people's only source, apparently, for insight into these contracts. The more we learn about this, the more troubling the pattern is. Just recently the New York Times ran a feature-length article describing the letting of a multimillion dollar oil field contract to Kellogg Brown & Root.

I ask unanimous consent that important article 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 Magazine, June 22, 2003]

NATION BUILDERS FOR HIRE

(By Dan Baum)

The huge effort to restore Iraq's oil industry begins every day two hours south of the Iraq-Kuwait border, at the lavish Crowne Plaza Hotel in Kuwait City. No sooner does the lobby restaurant open at 5 a.m. than a line of middle-aged men in jumpsuits, golf shirts and identical tan caps forms at the breakfast buffet, eschewing the mezzeh and labneh for French toast, home fries and beef bacon. Outside, a couple of dozen silver S.U.V.'s are lined up, and after a quick breakfast the men are off in a swift northbound convoy, each car marked with the sideways V of duct tape that designates American and British vehicles. The road knifes across a packed pebble desert as flat as a griddle, with hardly a plant or a rock gentling the view to a hazy 360-degree horizon. But nobody's minding the scenery.

The men in the S.U.V.'s are all talking at once, handing clipboards and calculators back and forth, trying to make 10,000 impossible things happen in Iraq's oil fields in exactly the right order. A couple are getting in last-minute calls to headquarters in Houston before leaving Kuwaiti cellphone coverage. Though they speak with the drawling soft consonants of the Texas-Oklahoma oil patch, these are truly citizens of the world—or at least the petroleum-producing corners of it.

For they are the legions of Kellogg Brown & Root, subsidiary of the oil-services giant Halliburton, which in March won an open-ended Army contract to restore Iraq's oil fields to working order. Most have spent years toiling in the raw, scraped and sometimes violent places where oil lurks, and each hews to the oilie's ethic: no place is a hardship. How were your 12 years in Algeria? ''Not bad.'' Your six years at Prudhoe Bay? ''Not bad.'' Your 14 years in Nigeria? ''Not many of whom fought the hard battles for Basra and Umm Qasr, pile into Land Rovers and fall in behind.

When Dwight Eisenhower warned in 1961 of the ''military-industrial complex,'' he never imagined the regimental descendants of Monty's boys at El Alamein tenting in the desert to baby-sit corporadoes earning $10,000 tax-free a month. This, however, is modern might. The military has become the industrial, and vice versa.

Representative Henry Waxman, a Democrat from California, is in high dudgeon lately, suggesting that Vice President Dick Cheney's former chairmanship of Halliburton gave KBR the inside track on the Iraqi oilfields contract, which could be worth as much as $7 billion. But the reality is subtler: KBR didn't need any help. It is by now so enmeshed with the Pentagon that it was able essentially to assign the contract to itself.

KBR was founded in 1919 as Brown & Root, and quickly acquired a reputation for taking on the kinds of projects that tend to recall the building of the pyramids. It constructed the gigantic Mansfield Dam in Texas, New Orlean's 24-mile Lake Pontchartrain Causeway, Colorado's Eisenhower Tunnel and the Johnson Space Center, among many other mega-projects. Halliburton acquired it in 1962, and in 1998 merged it with the petrochemical company M. W. Kellogg to form Kellogg Brown & Root. KBR now accounts for almost half of Halliburton's annual $12.5 billion annual revenue.

The Army says KBR got the Iraqi oil-field contract without having to compete for it because, according to the Army's classified contingency plan for repairing Iraq's infrastructure, KBR was the only company with the skills, resources and security clearances to do the job on short notice. Who wrote the Army's contingency plan? KBR. It was in a position to do so because it holds another contract that is poorly understood yet in many ways more important, and potentially bigger, than the one to repair the oil fields: the Logistics Civil Augmentation Program, or Logcap, which essentially turns KBR into a kind of for-profit Ministry of Public Works for the Army. Under Logcap, which KBR won in open bidding in 2001, KBR is on call to the Army for 10 years to do a lot of the things most people think soldiers do for themselves—from fixing trucks to warehousing ammunition, from delivering mail to cleaning up hazardous waste. K.P. is history; KBR civilians now peel potatoes, and serve them, at many installations. KBR does the laundry. It fixes the pipes and clean the sewers, generates the power and repairs the wiring. It built some of the bases used in the Iraq war.

Writing the oil-field contingency plan was only one of a thousand things KBR did for the Army last year under Logcap. (KBR has a similarly broad contract with the Navy, under which it built, among other things, the cages for suspected terrorists at Guantánamo Bay.) The technical term for Logcap is ''cost-reimbursement, indefinite-delivery)/indefinite quantity,'' or ''cost-plus,'' meaning KBR spends whatever it believes necessary to get a job done, then adds from 1 to 9 percent as profit. There's practically no limit on how lucrative Logcap can be, and as the awarding of the Iraqi oil-field contract—by KBR, to KBR—demonstrates, Logcap can become a generator of yet more contracts. Nothing like it exists elsewhere in government. That KBR wrote the oil-field plan wasn't considered by the Army a disqualifying conflict of interest—in fact, just the opposite. ''They were the company best positioned to execute the oil-field work because of their involvement in the planning,'' said Lt. Col. Gene Pawlik, an Army spokesman.

The military has relied on civilian contractors ever since George Washington hired farmers to haul supplies for the Continental Army, and the use of mercenaries is as old as time. But the KBR-style blending of corporations into the fabric of the military is relatively recent. Its genesis is one of the unsung but seminal ideological documents of the Reagan era, a revolution-on-paper that goes by the dry title Circular No. A–76. Issued in 1983 by the budget director, David Stockman, A–76 mandates that government should ''rely on commercial sources to supply the products and services the government needs.''

Circular No. A–76 wasn't written specifically for the Defense Department, and the military was slow to adopt the approach. It took the end of the cold war for the Pentagon to discover the benefits of outsourcing. The times demanded that the military shrink—remember all the talk about a ''peace dividend''? Oddly, though, the end of the cold war uncorked a froth of conflicts from Africa to the Balkans that the military had to monitor and, in the case of the former Yugoslavia, fight. By one count, the Army has deployed soldiers more than three times as often in the 14 years since the cold war ended than in the cold war's four-decade history, even though it is today down to only two-thirds the size of its cold war peak.

Downsizing the military not only meant doing more with less; it also meant that a lot of former soldiers, sailors, airmen and officers were suddenly on the street looking for the kind of work for which their particular skills would be valuable. The Pentagon still needed those skills. So the downsized warriors joined a constellation of corporations that sold those skills—everything from data processing to interrogation to bomb disposal—back to the military at private-sector prices.

In 1992 the Defense Department, under Dick Cheney, hired Brown & Root to write a classified report detailing how private companies could help the military logistically in the world's hot spots. Not long after, the Pentagon awarded the first five-year Logcap—to Brown & Root. Then Bill Clinton won the election, and Cheney, in 1995, became C.E.O. of Halliburton, Brown & Root's parent company. A lot of Halliburton's business depends on foreign customers getting loans from U.S. banks, which are in turn guaranteed by the government's trade-promoting Export-Import Bank. In the five years before Cheney took the helm, the Ex-Im Bank guaranteed $100 million in loans so foreign customers could buy Halliburton's services; during Cheney's five years as C.E.O., that figure jumped to $1.5 billion.

''Clearly Dick gave Halliburton some advantages,'' a Hilliburton vice-president, Bob Peebler, told The Chicago Tribune in 2000. ''Doors would open.''

Doors continue to swing freely between the corporate boards of companies like KBR, whose livelihood depends on U.S. energy and military policy, and the upper echelons of government, where those policies are set. In addition to its connection to Dick Cheney—who as vice president continues to be paid ''less than $180,000 a year'' in deferred compensation by Halliburton, according to a company spokeswoman—Halliburton has on its board former Secretary of State Lawrence Eagleburger, who has sits on the board of Phillips Petroleum alongside a former chairman of the Senate Select Committee on Intelligence, David Boren. Among the vice presidents of Booz Allen Hamilton—another does-everything company that has received millions in military contracts—is the former Director of Central Intelligence James Woolsey. Of the 30 members of the Defense Policy Board—the influential Pentagon advisory panel from which Richard Perle was recently forced to resign—at least nine are directors or officers of companies that won $76 billion in defense contracts in 2001 and 2002, according to the Center for Public Integrity. Lieut. Gen. Jay Garner, who served as chief civilian administrator of Iraq, ran a subsidiary of L-3 Communications that makes missile systems used in the Iraq war; and L. Paul Bremer III, who took over from Garner, was plucked from a new unit of the insurer Marsh & McLennan that was created a month after 9/11 to profit from the new concern over catastrophic risk.

I am unabashedly an admirer of outsourcing,'' Army Gen. Barry McCaffrey told The Dallas Morning News three years ago. ''There's very few things in life you can't outsource.'' McCaffrey now serves on the boards of the weapons makers Raytheon Aerospace and Integrated Defense Technologies, among others.

It's a relatively small club that has both guided U.S. military, energy and Middle Eastern policies over the past three decades and then run the corporations that benefit from those policies. And it's a club that had a long history with Saddam Hussein. A sheaf of declassified 1980's State Department cables demonstrate that in 1983 Secretary of State George Shultz—former president of Bechtel—sent Donald Rumsfeld to meet personally with Saddam Hussein several times, in part to promote an oil pipeline to the Red Sea port of Aquaba. (The accompanying State Department photo of the two men warmly shaking hands is startling, given the recent vitriol between them.) In the midst of negotiations with Rumsfeld, Hussein used poison gas against the Iranian Army. While cables demonstrate the State Department discouraged this, a memo to Eagleburger, then the under secretary of state, noted it may have been American firms that sold Hussein the gas, and outlined the need ''to avoid unpleasantly surprising Iraq'' with public statements.

By July 2000, Cheney claimed on ABC's ''This Week'' that neither Halliburton nor its subsidiaries dealt with Iraq at all. ''Iraq's different,'' Cheney said at the time. ''I had a firm policy that wouldn't do anything in Iraq, even arrangements that were supposedly legal.'' But in fact from 1997 to 2000, when Cheney was running Halliburton, two of its subsidiaries sold Saddam Hussein's government a total of $73 million in oil-field supplies. The deal didn't violate U.S. sanctions because the subsidiaries, Dresser-Rand and Ingersoll Dresser Pump Company, were foreign.

KBR/Halliburton, then, has rounded the bases when it comes to Iraq. It got rich doing business with Iraq, it got rich preparing to destroy Iraq and it's now getting rich rebuilding Iraq.

Proponents of contracting make the point that as the overall size of the military shrinks, the ''tooth'' needs to increase relative to the ''tail,'' or, as one analyst put it, ''You want the 82nd Airborne training to kill people and blow things up, not cleaning latrines or trimming hedges.'' They also argue it's cheaper to hire contractors to do short-term work rather than have the military maintain full-time capabilities it needs only briefly.

A good example is Camp Arifjan, a U.S. Army base about 90 minutes southwest of Kuwait City. Six months ago, this was nothing but a small collection of buildings that was supposed to be a training base. On Oct. 11—the day Congress gave President Bush authority to wage war on Iraq—someone in the Pentagon picked up a phone and told KBR it had nine weeks to run Arifjan into a full-blown Army base for 7,000 people. The job went to Robert (Butch) Gatlin, a wizened 59-year-old Tennessean who served 32 years in the Army Corps of Engineers before coming to perform the same work, at much greater pay, for KBR.

''When we got here, there was no power or water,'' Gatlin said as we stepped from the air-conditioned trailer that is KBR's Arifjan headquarters into the blinding desert sun. Within about 72 hours of the Pentagon's call, Gatlin had a handful of KBR specialists—electricians, carpenters, plumbers—on planes headed here. Most of the rest were hired locally. ''I had a thousand people working here in 24 hours,'' he said. ''The Army can't do that.''

KBR essentially took an entire Army base out of containers and made it rise in the middle of the Kuwaiti desert two days ahead of schedule: air-conditioned tents complete with 110-volt outlets for the soldiers' boom

boxes, male and female shower blocks, kitchens, a laundry, Pepsi machines, a Nautilus-equipped health club with an aerobics room (''Latin Dance Thurs & Sat!''), a rec center with video games and a stack of Monopoly sets, a Baskin-Robbins and a Subway sandwich shop. (No beer, though; alcohol is illegal in Kuwait.) To conjure Camp Arifjan in a twinkling amid one of the most hostile environments on the planet was by any measure a stunning logistical achievement. And now, as at many bases in the U.S., it's KBR civilian employees, not soldiers, who cook, do the laundry, shuttle supplies and control the airspace overhead. KBR does everything but fight. Though it looks like an Army base, Camp Arifjan effectively is a subsidiary of Kellogg Brown & Root. The Army is merely—to use Gatlin's term—the ''client.''

The advantage to the Pentagon of using contractors goes beyond logistics. Had the Army tried to build Camp Arifjan itself last October, it would have had to mobilize reservists, said Lt. Col. Karen LeDoux, the Logcap commander at Arifjan. Activating reservists means disrupting families and businesses and generating TV coverage of men and women leaving home in uniform. In October, the war was still being debated at the United Nations and in the streets. ''It's a political decision to use contractors,'' LeDoux said. ''The Army can get a delicate job done quietly.''

Outsourcing military missions also lets the Pentagon do things Congress might not approve. Congress, for example, has said the military can have only 400 U.S. soldiers in Colombia, an oil-rich country destabilized by guerrillas and the cocaine trade. But for years, civilian pilots employed by DynCorp, a KBR competitor, have been flying what amount to combat missions in Colombia under contract to the State Department, spraying coca crops with defoliant and occasionally getting shot at. Representative Janice Schakowsky, Democrat of Chicago, has been trying to put a stop to this kind of end run around Congressional oversight, but in the bellicose post 9/11 atmosphere on Capitol Hill, she can't get traction. Congress would never authorize the U.S. military to perform such a politically explosive mission as the Colombian spraying, Schakowsky argues, and if an American soldier was killed in Colombia it would be Page 1 news.

''Is the U.S. military privatizing its missions to avoid public controversy or embarrassment—to hide body bags from the media and shield the military from public opinion?'' she asks. Iraq, Schakowsky says, is no different. ''We talk a lot in Congress about how many U.S. troops are there and for how long, but not at all about the contractors,'' she said. ''They don't have to follow the same chain of command, the military code of conduct may or may not apply, the accountability is absent and the transparency is absent—but the money keeps flowing.''

The General Accounting Office and several watchdog groups say it's not yet even clear that Pentagon contractors are cheaper in the long run than a larger military; the experiment is still too young. And there are other concerns, first among them the uncomfortable fact that the military can find itself dependent in wartime on people it doesn't control. Often, the only people who know how to run the military's new high-tech gear are the geeks of the company that makes it, so the soldiers manning, say, an Abrams tank don't necessarily know how to fix it if it breaks. After visiting Arifjan I met a reserve Air Force colonel in the lobby of the Kuwait Hilton who told me the communications gear on which his job depends is entirely maintained by civilian employees of the manufacturer (he wouldn't tell me which). ''We had a problem in the middle of the night and called down for the contractor; they told us he doesn't come in until 9 a.m.,'' the officer told me. ''We're fighting a war, and the contractor doesn't come in until 9 a.m.!'' And really, there's no guarantee the contractor will be there at all if things get ugly. Soldiers have to stay put when the shells start falling or face punishment for desertion; contractors who decide the high pay isn't worth the risk can simply leave. As the Defense Department itself put it in a 1991 report, ''D.O.D. Components cannot ensure that emergency-essential services performed by contractors would continue during crisis or hostile situations.'' And that was before the big increase in Pentagon contracting.

From the public's point of view, the increasing use of contractors makes it harder to know what the military is really doing. The Pentagon has lots of maddening rules that citizens have to follow if they want information, but while the Pentagon has secrets, it also fundamentally recognizes that it is a public institution. Not so the contractors, whose first allegiance is to their shareholders and who have little incentive to share information about how they operate. Take salaries. An Army sergeant with four years' service earns $48,292.03 a year, a captain with two years' service earns $60,500.47 and a lieutenant colonel with six years' service earns $87,299.81; the salaries are even posted on the Internet. But when I asked a KBR spokeswoman how much her people were earning for their hard, beerless months in the desert, she said, ''We absolutely don't discuss salaries.''

''Why not?'' I asked. ''You're paying them with taxpayer money.''

''We absolutely don't discuss salaries,'' she repeated. (Later, a KBR manager told me on the sly that because he and his colleagues have all their expenses paid by KBR and Americans abroad pay no income tax on the first $80,000 they earn annually, they expect to net $120,000.)

At Camp Arifjan, Butch Gatlin spoke of the good old days of the late 90s, when he had signing authority for any purchase up to half a million dollars. Then came the U.S. involvement in Bosnia and Kosovo from 1995 to 2000, when one of every seven Pentagon dollars passed through KBR and both the company and the Pentagon got dinged by the General Accounting Office for overspending. The G.A.O. said it found ''no evidence that cost was taken into consideration.'' Last year, KBR paid $2 million to settle federal fraud charges that it inflated the cost of an Army contract in California and ''in doing so, it increased its profits at the government's expense.''

Now when Gatlin wants to buy anything over $2,500—which is almost everything—he has to get a signature from an Army officer living at Arifjan. ''He signs a lot,'' Gatlin sighed. Cost-plus contracting offers the Army maximum flexibility; in an emergency or a politically sensitive moment, KBR can quietly throw as much money as necessary at a problem. But the more KBR spends, the more it earns.

Bechtel, another hydra-headed American giant, won what's often called the ''mother contract'' from the U.S. Agency for International Development to revive Iraq's water, power and electricity and the port of Umm Qasr. Unlike KBR, which fills the Crowne Plaza with a huge regiment of Texans who actually turn wrenches, Bechtel keeps fewer than 50 engineers and managers quartered at the Kuwait Sheraton. Bechtel's client is USAID, not the military, so none of its work is classified, and that makes it easier to hire its muscle locally. So while the lobby of the Crowne Plaza feels like a particularly high-rent sergeants' club—noisy and smoky, men clumping in work boots across the faux-Persian carpets—the cool marble lobby of the Sheraton plays the role of officers' billet to the reconstruction campaign. On the Sheraton's black leather sofas, British businessmen perch primly in no-wrinkle blazers, sample cases ready, watching for the company golf shirt of a Bechtel executive to emerge from the elevators.

Robert Sedgbeer, who works for a smallish British company that makes cellphone towers, was fighting jet lag to stay awake. ''If I can just get these into the right hands, my trip will be worth it,'' he said, fingering a stack of company literature and craning his neck for a Bechtel exec. Stephen Thomas, whose achingly polite Oxbridge manner belies his 15 years in Oman (''not bad''), said he hopes to sell Bechtel his company's food-service and telecommunications skills. Like Sedgbeer and everybody else in the lobby, he lowered his voice when saying ''Bechtel,'' lest he risk offending the keepers of the golden keys. ''We don't often get the chance, in our lifetimes, to see a country with such tremendous oil wealth and virtually no civilian commercial infrastructure get a whole new blueprint,'' Thomas said eagerly.

The revolving door that spins at the top of the military-industrial ziggurat spins at the bottom too. On my way out of Arifjan, I looked more closely at the heavily armed soldiers guarding the gate and found they weren't soldiers at all, but rather civilian employees of something called Combat Support Associates, a joint venture of three obscure American companies that provide the Army with security, logistics, ''live-fire training'' and maintenance. In southern Iraq I ran into four big men in full combat gear and Robocop sunglasses whom I also took to be soldiers until I noticed the tape over the left shirt breasts; instead of US ARMY, it said EODT. That stands for ''Explosive Ordnance Disposal Technology,'' not an Army unit but a company based in Knoxville, Tenn. The Web site says EOD Technology ''applies leading-edge geophysical technologies to provide documented efficient solutions to environmental challenges,'' and what that translates to is: these guys dig up minefields for a living. Their challenge the day I saw them was an unexploded American artillery round that had crashed through an oil pipeline and was buried who-knew-where underneath. All four used to be soldiers; now they do the same work at private-sector wages.

It's an article of faith among KBR's people that they will be in Iraq only a short while. KBR's top client, Brig. Gen. Robert Crear of the U.S. Army Corps of Engineers, is the man in charge of Team RIO (Restore Iraqi Oil) and on a walking tour of the Basra oil refinery he insisted that the Army's role—and by extension KBR's—is temporary. ''This is an Iraqi operation,'' he said several times. ''The oil belongs to the Iraqi people. We are only support, and only until the infrastructure is up and running.''

But neither he nor anybody else was able to say what ''up and running'' means. Depending on how that question is answered, companies like KBR will be in Iraq for months and will make millions, or years, and make billions. Decades of war and sanctions have left the wellheads, drills, pumps, and pipelines so inefficient and unsafe that, by some estimates, it will take $50 billion and a decade to fix them.

There is no question that companies like KBR are up to the job. What isn't clear is whether there will come a day, anytime soon, when the United States says, ''O.K.; good enough,'' and goes home—leaving the Iraqi oil fields patched together and its equipment semi-safe. Or does the effort to ''assist the Iraqi people'' require a

decadelong, oil-financed bonanza for oil-service companies like KBR/Halliburton? If anybody has the answer to that question, he or she is not saying. ''That's way above my pay grade,'' says General Crear.

What's certain is that as long as the Army is in Iraq, KBR will be there with it. In Baghdad every morning, a crowd of desperate job seekers gathers at dawn at the back gate of the old Republican Palace compound, which is now U.S. Army headquarters. At about 7, a Humvee full of KBR men roars up, and like doorkeepers at the old Studio 54 they select a dozen or so grateful men and women for menial tasks on the base. Nobody objected to my watching this scene, but later, when a photographer took out a camera, an Army public-affairs officer walked up with his hand outstretched. ''The authorities in charge have decided not to allow access at this time,'' he said. When asked if those ''authorities'' were the Army or KBR, the officer sighed and said, ''To be honest, the lines get a little blurred sometimes.''

Mr. WYDEN. Mr. President, the reason that article is so important is because it indicates Kellogg Brown & Root essentially wrote the specs for the U.S. Government with respect to an oil field restoration effort. What that article shows is that the process basically allowed an incumbent contractor to identify the criteria for a multibillion dollar contract and virtually ensured that company would be awarded the contract without competition. If the news reports are correct, the potential for sole-source, custom-crafted contracts is basically guaranteed now by the Kellogg-Brown agreement. Senator CLINTON and I have asked the Defense Department to provide within 30 days answers to some of the serious questions that involve contracting processes that seem to be used as of today.

The Department of Defense recently announced, for example, that they had some concerns about the original agreement. That is fine, but we want to know whether there are other contracts that are being let in this fashion. We want to know whether the Department of Defense intends to continue the practice where it has not been discovered by the news media.

The reason we are so concerned is if individual contractors are customarily setting the criteria for the work they plan to pursue, there are conflict-of-interest issues that ought to be resolved by our Government today. When you consider the Kellogg Brown & Root contracts are so-called cost-plus contracts, this arrangement becomes even less acceptable. Cost-plus contracts let the companies spend what they think is necessary, and then on top of it they tack on a percentage fee to make a profit. The more taxpayer dollars the company spends, the more profit they are able to bring home. A number of Iraqi reconstruction contracts, not just Kellogg-Brown's, have been designed in this way.

My view is, if the Federal Government is going to spend my constituents' money in this way, my constituents deserve an explanation.

I was at a town meeting in a small Oregon community on the Oregon coast this last weekend, where they could not afford money to have their port dredged. It may take upwards of $100 billion under some of these plans to rebuild Iraq. When our country can't afford the money to make sure our small ports get help quickly, there is no place for waste in these reconstruction matters.

Finally, to just highlight the immediacy of this concern, questions have been raised as to how MCI, a company that does no wireless service in the U.S. and never has, could end up winning the contract from the Defense Department to set up a wireless telecommunications network in Iraq.

That is the kind of question we want to see answered. That is why we are sending these letters today, calling for immediate public disclosure of these contracts so we can see whether the American people are getting their money's worth. We come to the Senate floor today because these are new concerns that have come to light. Chairman WARNER, Senator COLLINS, and others have worked with us in a very constructive way with bipartisan legislation that I hope will be passed quickly. But I don't think we ought to allow the outsourcing of accountability over billions of dollars of contracts for Iraq to continue one day longer. That is why I come to the floor today to announce this effort, to try to bring some sunshine to Iraqi contracting. I have always felt sunshine is the best disinfectant. It sure looks like we need some of that right now.

I yield the floor.

Mrs. CLINTON. Mr. President, I join Senator WYDEN in expressing concern over the process regarding the awarding of reconstruction contracts in Iraq. As Senator WYDEN has pointed out, this is an issue that impacts the spending of hundreds of millions of taxpayer dollars. After the magnificent performance of our U.S. military in Iraq, we are now faced with the task of rebuilding Iraq's infrastructure. Huge contracts are being awarded in support of these efforts. However, many of these contracts are being awarded without fair and open competition and with no public oversight.

This week, Senator WYDEN and I sent a letter to the administrator of the U.S. Agency for International Development, Andrew Natsios, requesting that he make public all documents related to USAID's decision to exempt contracts for reconstruction of Iraq from full and open competition. As the letter points out, sole-source and limited-source contracts seem to be the rule, not the exception, for rebuilding Iraq.

However, as the U.S. General Accounting Office has reported, sole-source or limited-source contracts usually are not the best value for the taxpayers. With $100 million in taxpayer funds projected for rebuilding Iraq, it is critical that we ensure that this money is being spent wisely.

Certainly, there may be times that contracts need to be awarded outside the normal contract award process. But in those cases, it is particularly important that we ensure that those contracts undergo full disclosure to avoid unnecessary expenses for the taxpayers.

As our letter makes clear, both the GAO and the USAID Inspector General have raised questions about the processes used to award reconstruction contracts in Iraq. It is the responsibility of Congress to ensure that the funds we appropriate for reconstruction in Iraq are spent in a fair and open manner.

Earlier this year, I joined Senator WYDEN, Senator COLLINS, Senator BYRD and others in introducing the Sunshine in Iraq Reconstruction Contracting Act. The bill provides an element of accountability so that Congress and the American people can have a full understanding of how these contracts are being awarded. It would require that when contracts are awarded without a full and open competition, the awarding agency would have to publicly explain why.

We were able to get similar language inserted into the Department of Defense Authorization bill which would require that Iraq reconstruction contracts be subject to these reporting requirements. However, until that provision becomes law, we are calling upon USAID to voluntarily make these documents public.

As I have said before, it would be unfortunate if, in our effort to set an example of open government and democratic principles abroad, we undermined those principles here at home. I hope that the rest of my colleagues join me in asking USAID to make these documents public.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent I be permitted to speak for 5 minutes following the last speaker in the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Reserving the right to object, is the Senator speaking against the Murray amendment?

Mr. SANTORUM. I will offer an amendment on Syria and speak on it and then I will be withdrawing the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. SARBANES. I understood the Senator from Oklahoma was lined up to go next. If he wishes to defer, I would be happy to go now, if that is acceptable to him.

Mr. NICKLES. For the information of colleagues, I don't believe the UC had an order. It lists Senators. I can't do it right now.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, as I understand it, I am recognized for 5 minutes under the unanimous consent?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1170

Mr. SARBANES. Mr. President, I rise in very strong support of the Murray amendment. I commend the very able Senator from the State of Washington for coming forward with this initiative. It is a critical issue for millions of Americans across the country, and I know how concerned she has been about this issue. I am very happy to join in supporting it as a co-sponsor.

This, historically, has been a bipartisan issue. Unemployment insurance benefits were extended four times during the Reagan administration and three times during the Bush administration. The recent unemployment figures offer very strong support for acting on the Murray amendment.

Last week it was reported that the unemployment rate rose to 6.4 percent in June. This is the highest unemployment rate in over 9 years. We have to go back to April of 1994 for a higher rate. Mr. President, 9.4 million workers are unemployed, the most since December of 1992. This, of course, doesn't account for those who are so discouraged that they are not looking for work. Were we to count them, the unemployment rate would be well above 7 percent.

The economy has lost 394,000 jobs since January. We have lost jobs each of the past 5 months. Since this administration took office, private sector employment has fallen by more than 3 million.

Two million workers have been unemployed for more than 26 weeks, which is the period covered by regular unemployment insurance benefits. This morning, the Labor Department reported that an additional 439,000 workers filed initial unemployment insurance claims. More than 400,000 workers have been filing initial unemployment insurance claims for 21 consecutive weeks. The last time there was a longer streak of initial unemployment insurance claims over 400,000 was in September of 1992, more than 10 years ago.

Furthermore, the number of continuing claims is at its highest level in 20 years. You have to go back to February of 1983 to find continuing claims at the level which we are now experiencing.

There are over 1 million Americans who have exhausted all of their unemployment insurance benefits and are still not able to find a job, not because they don't want to work but because there are not jobs to be had.

Under current law, extended unemployed insurance benefits last only 13 weeks for most workers. Those in high unemployment States receive 26 weeks. This amendment would provide an additional 13 weeks to those who have already exhausted their benefits in most states and a further 7 weeks for those in high unemployment States.

It is not as though this proposal is excessive historically. In previous recessions, we have passed extensions comparable or, indeed, beyond what is contained in this amendment. When we had a recession from July of 1990 to March of 1991, we extended unemployment benefits until April of 1994. At the program's peak, benefits were available for 26 to 33 extra weeks. That was in the previous Bush administration.

It is bad enough to get this level of unemployment in these administrations. That is a breakdown in policy. But it is even worse not to provide these benefits to help people go through the period of unemployment that they are experiencing, as the Senator from Washington so aptly stated in detailing the problems.

Let me make one final point. We build up an unemployment insurance trust fund in good times to fund the benefits when we encounter an economic downturn. The cost of this amendment, as I understand it, is $2.5 billion.

I ask the Senator from Washington if that is correct.

Mrs. MURRAY. The Senator is correct.

Mr. SARBANES. There is $19 billion in the trust fund specifically collected for the purpose of paying unemployment insurance benefits in an economic downturn. This amendment would take less than 15 percent of that trust fund balance in order to expend these benefits.

We are facing a very serious situation. We need to recognize it here. We recognized it when we had a downturn under the Reagan administration. We recognized it when we had a downturn in the first Bush administration. We ought to recognize it once again and make benefits possible for these families who are experiencing tremendous difficulties and burdens. We ought to help carry them through this economic downturn until we start getting substantial job restoration.

I commend the Senator from the State of Washington for offering this amendment. She has followed this issue very closely. I think it is imperative that the Murray amendment be agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I understand there are 5 minutes reserved for Senator KENNEDY.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I am told by his staff that Senator KENNEDY is unable to be in the Chamber due to other commitments. He has yielded his time to me on this amendment. I thank Senator KENNEDY for yielding me this time. I ask to be recognized at this point for those 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, Senator KENNEDY has been a great leader on this issue. I know he wanted to speak on Senator MURRAY's amendment, but he could not be here at this time.

We have been debating for the last few days the medical malpractice bill. We moved off it. But I think there is another, more pressing issue we need to address. It is what I call ''President Bush's economic malpractice.'' The victims are working Americans.

As has been stated, unemployment has continued to climb; at 6.4 percent, it is the highest level since 1994. That is 9.4 million people looking for work who can't find any. Under President Bush's misguided leadership, we have lost 3.1 million private sector jobs. This is the first time since Herbert Hoover's administration we have had an administration with a net loss of jobs. What a record.

Again, the numbers don't reflect the millions of workers who were laid off and had to take jobs that paid far less. In fact, the unemployment rate, in addition to the unemployed, would include part-time workers who want to work full time but can't find it and discouraged workers no longer seeking jobs. This rose to 10.3 percent in June. We are still losing jobs every month—33,000 last month alone.

The economy is limping along. Our national deficit continues to balloon and will reach about $400 billion by the end of this year. Again, that is why I accuse this administration of ''economic malpractice.''

I don't think any illustration is better than this cartoon in the Pittsburgh Post Gazette. Here is a man holding a cup of coffee. He says: ''I tried to get angry with Bush for attempting to take away my overtime pay, but then I remembered I don't have a job.''

Later on, I am going to have an amendment also dealing with overtime pay because not only do we have people who are unemployed who need an extension, as Senator MURRAY says in her amendment, but now they want to take away overtime pay for those who are working. It is sort of a double hit on the workers of America.

In May, after weeks of Democratic efforts, Congress extended the unemployment benefits for 2.5 million Americans who had been laid off. But our Republican colleagues refused to include assistance for the 1.1 million Americans hit the hardest by the economic crisis—those long-term unemployed who have already run out of their unemployment benefits.

It is unconscionable to provide billions of dollars in tax breaks for the wealthiest of Americans and refuse to provide an average of $260 a week for the recession's first and hardest hit victims. That is what the Murray amendment does. This amendment provides up to a 13-week additional benefit for these 1.1 million long-suffering Americans.

I might add that I looked at the figures. There are 9,800 in my State of Iowa alone. This would give them 13 weeks of additional benefits, and it would provide 7 additional weeks of benefits for those who have received the 26 weeks of benefits but who are

out of it and who live in those States hardest hit by the recession.

It occurred to me when I looked at the amendment offered by the Senator from Washington that it really is unconscionable that this Congress proposed these tax breaks for the wealthiest but won't come down and help those who are unemployed.

I ask a rhetorical question: The tax breaks we provided for the wealthiest in our country, did we limit them to 26 weeks? Did we limit them to 13 weeks so they can get the tax breaks, but they are only for 26 weeks and once the 26 weeks are over, they snap back again and they have to pay the tax rate they paid before? No. It is unending. It goes on and on. From now on, they continue to get those tax breaks. But for hard-hit Americans out of work, our colleagues on the other side of the aisle are saying 26 weeks, that is enough; you are out. I don't believe that is fairness in our society.

I commend and compliment my friend and colleague from Washington State for addressing this issue and for pointing out that these hardest hit Americans deserve and need to have this extension.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise in opposition to the Murray amendment. I urge our colleagues to vote no on the amendment.

Just for the information of our colleagues and the sponsor of the amendment, I will make a budget point of order. Not only does it violate the budget, but it also violates, I am going to say, the spirit of the Senate.

We are supposed to be working on a State Department authorization bill. Every Senator knows this amendment does not belong on this bill. Yet some people say: Oh, we are going to put it on this bill. It is ridiculous. It is not like we have not voted on this before. Just last May we passed an extension of unemployment compensation that takes us through the end of the year. It costs about $7 billion. We passed it overwhelmingly. It is a clean extension.

We have passed clean extensions in the past, but it seems like, for the last year and a half, a lot of colleagues say: Well, we don't want to pass a clean extension of unemployment benefits. And by that I mean a Federal unemployment assistance, which is temporary. Most States provide 26 weeks of benefits. I believe Massachusetts has 30 weeks, but most States have 26 weeks of unemployment comp. And then there is a Federal program of 13 weeks that is temporary. The Murray amendment would make that 26 weeks for certain people. It would double the Federal temporary assistance. That is very expensive. It costs billions of dollars. I have opposed that and the Senate has opposed it.

As a matter of fact, we voted on it four times this year. We voted on it on January 22, March 25, May 15, and then May 23. We have defeated doubling this program. Yet here we are again trying to double it on a State Department reauthorization bill. It does not belong on this bill. It violates the budget. Some States even get more than 52 weeks, including the State of Washington. Most States get 26 weeks of State aid, 13 weeks Federal. And high unemployment States—and there are a few—get another 13 weeks of federal aid. So a few States already get 52 weeks. Some States that really have high unemployment, including the State of Washington, get another 13 weeks. That is a total of 65 weeks. That is over a year.

It is almost like no matter what program we have, we have to have more. This is a lot of money. I believe I heard my colleague say that benefits average about $260 per week. That is correct. Some States are up to $500-plus per week. And, yes, in some cases it might be paid for over a year.

In this amendment, it will all be paid for by the Federal Government. I think there has to be a limit. That is why we have budgets. This would break the budget. But more important than that, it does not belong on this bill. This is the fifth time we are going to vote on this. Maybe people think they are scoring political points on this issue. I don't know. It does not belong on this bill.

At the appropriate time, I will make a budget point of order and urge my colleagues not to agree to this amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise to talk about a piece of legislation that Senator BOXER and I introduced last year and reintroduced this year which has 63 cosponsors. I understand the Senator from California may be offering this amendment after these two votes and speaking on that amendment; and then my understanding is she intends to withdraw that amendment. But I think it is important that both of us have an opportunity to talk about the importance of this issue; and that is the Syrian Accountability Act.

Many in this Chamber—obviously, 63—have very serious concerns about the role Syria is playing in the Middle East and in the world community. Syria is, unfortunately, being treated differently than other countries that have been listed as sponsors of terrorism. There are a couple handfuls of states that sponsor terrorism. Syria is one of them. Yet it is treated fundamentally differently than all of the other state sponsors of terrorism.

Yet arguably—maybe with the exception of Iran—it may be one of the most egregious violators of international law, one of the worst in terms of sponsoring terrorism, and one of the most disruptive to peace in the Middle East and the Palestinian-Israeli peace process.

In addition, even since we introduced this legislation last year, we have seen Syria's horrendous actions with respect to the support for Saddam Hussein and his regime during the recent operation in Iraq. So there are even additional reasons for Syria to be held accountable for their actions, which are against the security interests of the United States of America.

We had Under Secretary Bolton just recently over at the Department of State talking about how Syria has a stockpile of nerve agent, sarin gas, and is trying to conduct research and development on nerve toxins like VX. So not only are they a sponsor of terrorism, disruptive to the Middle East process—and one thing I did not mention, which is as egregious as any, is their occupation and manipulation of the country of Lebanon. So they are, in a sense, occupying with a puppet government where they have terrorist camps which provide great disruption in the region. They are developers of weapons of mass destruction. They aided a country that we were at war with, at the time we were at war with them. They are an underminer of the peace process. The list can go on and on and on.

There are very few countries that you can say as many negative things about as far as their impact on the world stage as the country of Syria. Yet this country treats Syria better than all of the other terrorist states that we have listed. I find that to be very troubling. Senator BOXER and I have introduced a piece of legislation which just wants the United States to treat Syria the way we treat all the other rogue nations in the world—no worse but certainly no better, given their record of disruption and instability in that region and their threat to the national security of this country.

This legislation would require the President to prohibit the export to Syria of any items on the U.S. munitions list or any item on the commerce control list. In addition, under the Boxer-Santorum amendment, the President would be required to impose two or more of a menu of five other sanctions, including a ban on all exports to Syria, except food and medicine; a ban on U.S. businesses operating or investing in Syria; a reduction of diplomatic contacts with Syria; restrictions on travel by Syrian diplomats in the United States; and the blocking of all transactions in Syrian property. It does provide, as all these kinds of legislation provide, the President's ability to waive sanctions if he determines that waiving is in the national security interests of the United States.

So I believe this is a vitally important measure for the U.S. Congress and our country, to go on record and say Syria—maybe one of the worst offenders and most destabilizing countries not just in the region but in the world—should be treated no better—not worse than but no better—than other state sponsors of terrorism.

Senator BOXER and I talked to the chairman and ranking member about this legislation. We had a very good discussion yesterday about it. The chairman, who I see is in the Chamber, assured us this was of great interest to him, and he understands the concern of Senator BOXER and myself and the other cosponsors about this issue. If the chairman would like to make a comment, I think we have come to some sort of agreement as to how we might handle this situation.

I yield to the chairman.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Let me respond to the distinguished Senator from Pennsylvania by saying, we will have a hearing on Syria in the Foreign Relations Committee. We take the issue seriously, as the Senator does, and Senator BOXER, who is a member of our committee. We look forward to that hearing.

Mr. SANTORUM. I thank the chairman for his assurance that the issue of Syria and the Syrian Accountability Act will be taken seriously by the committee. We hope, as a result of that, we can move forward with some productive legislation in the Senate to give our country a stronger hand in dealing with terrorism in the Middle East.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1170

Mrs. MURRAY. Mr. President, how much time remains under the agreement before the vote?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mrs. MURRAY. How much time does the other side have?

The PRESIDING OFFICER. Senator GRASSLEY has 5 minutes, Senator NICKLES has 6½ minutes.

Mrs. MURRAY. Mr. President, I would ask the Senator from Oklahoma if he intends to use all his time.

Mr. President, I know many Senators are waiting to vote. I will just make a few more comments. I know Senator NICKLES intends to raise a budget point of order.

Let me say in response to the comments made in opposition to the Murray amendment that we will be voting on shortly, that we on this side, Democrats, have brought this issue up time and again.

That is because our economy is struggling. That is because we have families at home who have been laid off, who have run out of unemployment insurance. We would love to have a debate on how to increase jobs. Democrats believe investing in transportation that provides infrastructure and new jobs is critical. Democrats believe investing in education, getting our economy going again is an important way to provide jobs for people. And there are other investments we believe would be helpful in providing jobs. We have not had the debates. We have been thwarted at every turn.

As a result, we have people at home who have been laid off. In the last 5 consecutive months we have lost jobs. We cannot continue to ignore those people at home who are out of work, who have run out of unemployment insurance, who cannot pay their mortgage, put food on the table, are becoming even more of a drag on our economy because they can't contribute back. We believe by extending unemployment benefits we will at least help them in the temporary.

We welcome a debate on getting jobs and the economy going again. We have been waiting for that discussion. We have had time to have a tax cut debate. We have seen that has not produced the kinds of jobs we need. In fact, 3.5 million Americans have lost their jobs since this President took office. We want to have a jobs program. But at this point that has not occurred.

What we now have is more than 1 million Americans who have run out of their unemployment insurance. The time is right. We hear this violates the Budget Act. I welcome my colleagues to go home and say to a young family whose father or mother has lost their job, who are struggling every single day with tears in their eyes, that this violates the Budget Act or this is not the right time or the right bill. We can do this, and we can do it now.

I urge my colleagues to support the amendment.

I tell our colleagues on the other side as long as this economy struggles, as long as people are losing unemployment insurance benefits, we are going to continue to bring this issue back to the floor. We would like to have a jobs program. We would like to see jobs increased. We want to have the debate. Right now we need to deal with the immediate.

I ask unanimous consent that Senators CANTWELL and DAYTON be listed as cosponsors of the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am willing to yield back the remainder of my time, if all sides are, and proceed to the votes.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. NICKLES. I raise a budget point of order against the amendment offered by the Senator from Washington, Mrs. MURRAY. It increases mandatory spending and, if adopted, would cause an increase in the deficit in excess of the level permitted in the most recently adopted budget resolution. Therefore, I raise a point of order against the amendment pursuant to section 505 of House Concurrent Resolution 95, the Concurrent Resolution on the Budget for fiscal year 2004.

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the vote on the Reid amendment No. 1164, followed by a vote in relation to the Murray amendment No. 1170, with 2 minutes equally divided in the usual form prior to each of the votes.

AMENDMENT NO. 1164

Mr. REID. Mr. President, since 9/11 we have had to refocus on the issue of national security. The amendment before the Senate deals with our national security in a very direct way. This amendment deals directly with our neighbor with whom we share a 2,000-mile border, Mexico. This amendment would help the poorest of the poor in rural Mexico. The four components of the amendment are, No. 1, it would establish a microcredit lending program; No. 2, it would establish programs to assist rural Mexican small businesses; No. 3, it would assist small rural farmers; No. 4, it would establish a system of private property ownership. This is not a typical aid package, not a handout, but a commitment to a free market society to spur economic development. This is $1 for every Mexican. It doesn't sound like too much to me. Mexico is our friend, our neighbor. They deserve our support. Anyone who votes against this amendment should never ever again complain about illegal immigration.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I oppose the Reid amendment. I ask Members to vote no. I do so mindful of the fact that Mexico is our friend and that we are going to have $67.5 million of foreign assistance in the budget as we now have it that may be of assistance to our friends. The ideas presented by the distinguished Senator from Nevada are good ones, but they are ones that I believe require further discussion either in committee or on the floor. Clearly, $100 million, which is the request for authorization in his amendment, is well outside the budget we have adopted. That $100 million must be subtracted from some other part of State Department foreign assistance at some other point. The Senator has made the point the appropriators might very well do that. Indeed, they might. But I believe it is irresponsible to push that responsibility onward knowing the $100 million is not there, is not a part of the parameters of our foreign assistance. Therefore, I ask Senators to oppose the Reid amendment.

Mr. REID. Irresponsibility is not helping our neighbor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 1164. 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 Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—54

Akaka	Dodd	Lautenberg
Baucus	Domenici	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Lincoln
Bingaman	Edwards	McCain
Boxer	Ensign	Mikulski
Breaux	Feingold	Murray
Brownback	Feinstein	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Pryor
Carper	Hutchison	Reed
Clinton	Inouye	Reid
Conrad	Jeffords	Rockefeller
Corzine	Johnson	Sarbanes
Craig	Kennedy	Schumer
Daschle	Kerry	Stabenow
Dayton	Kohl	Stevens
DeWine	Landrieu	Wyden

NAYS—43

Alexander	Dole	Nickles
Allard	Enzi	Roberts
Allen	Fitzgerald	Santorum
Bennett	Frist	Sessions
Bond	Graham (SC)	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Campbell	Hagel	Specter
Chafee	Hatch	Sununu
Chambliss	Inhofe	Talent
Cochran	Kyl	Thomas
Coleman	Lott	Voinovich
Collins	Lugar	Warner
Cornyn	McConnell	
Crapo	Murkowski	

NOT VOTING—3

Graham (FL)	Lieberman	Miller

The amendment (No. 1164) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1170

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Is the order now to have a rollcall vote on the Murray amendment?

The PRESIDING OFFICER. That is correct, 2 minutes equally divided on the Murray amendment, followed by a vote.

Mr. LUGAR. I yield to Senator NICKLES.

Mr. NICKLES. Mr. President, the bill we are trying to amend is the State Department authorization bill. The amendment Senator MURRAY has offered is an unemployment compensation amendment. One that, I might add, we have not marked up or had a hearing on in the Finance Committee. I might also add, one that we have already voted on four times this year. We have defeated it every time.

In May, we passed an unemployment compensation extension that costs about $7 billion. We continued the current program. It lasts through the end of the year. Senator MURRAY's amendment wants to double the program from 13 weeks of Federal temporary assistance to 26 weeks. Her State already gets 65 weeks of combined State and Federal benefits, and has maximum benefits of about $500 per week.

There is a budget point of order because it breaks the budget and spends billions of dollars. I made that budget point of order and I urge my colleagues not to waive the budget point of order.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, 30,000 jobs were lost in the month of June alone. We have lost jobs in the last 5 consecutive months. A million people have now lost additional compensation under UI. This amendment is extremely important.

I yield the remainder of my time to Senator KENNEDY.

Mr. KENNEDY. Mr. President, we passed an extended unemployment in May but that was to only take care of the recently unemployed. The Murray amendment will take care of 1.1 million Americans who were fully employed 2 years ago. Every one of them was employed. Every one of them was working. They want to work. Now they are completely cut off by the abbreviated amendment we passed last spring.

We ought to provide the $2 billion included in the unemployment compensation fund. That fund has $20 billion. This will only use $2.5 billion. These workers have paid into it; they are entitled to it; they need it; and they ought to be provided for. That is what the amendment does.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act on the Murray amendment.

The yeas and nays have been ordered.

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 ''aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 48, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—48

Akaka	Byrd	Daschle
Baucus	Cantwell	Dayton
Bayh	Carper	Dodd
Biden	Clinton	Dorgan
Bingaman	Collins	Durbin
Boxer	Conrad	Edwards
Breaux	Corzine	Feingold
Feinstein	Lautenberg	Reed
Harkin	Leahy	Reid
Hollings	Levin	Rockefeller
Inouye	Lincoln	Sarbanes
Jeffords	Mikulski	Schumer
Johnson	Murray	Snowe
Kennedy	Nelson (FL)	Specter
Kohl	Nelson (NE)	Stabenow
Landrieu	Pryor	Wyden

NAYS—48

Alexander	DeWine	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Cornyn	Inhofe	Thomas
Craig	Kyl	Voinovich
Crapo	Lott	Warner

NOT VOTING—4

Graham (FL)	Lieberman
Kerry	Miller

The PRESIDING OFFICER. The yeas are 48, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. LUGAR. Mr. President, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1173 TO AMENDMENT NO. 1136

Mr. LUGAR. 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 Indiana [Mr. LUGAR], for Mr. KYL, proposes an amendment numbered 1173.

Mr. LUGAR. 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: Requirement for report on the role of North Korea in the trafficking of illegal narcotics)

On page 90, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR REPORT ON THE ROLE OF NORTH KOREA IN THE TRAFFICKING OF ILLEGAL NARCOTICS.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the role of North Korea, since January 1, 2000, in the trafficking of illegal narcotics.

(b) CLASSIFIED REPORT.—If the President submits the report in a classified form, the President shall also submit an unclassified version of the report.

(c) CONTENT.—The report shall—

(1) address each aspect of North Korea's role in the trafficking of illegal narcotics, including any role in the cultivation, sale, or transshipment of such narcotics;

(2) identify the origin and destination of all narcotics that are transshipped through North Korea;

(3) provide an estimate of the total amount of income received by the Government of North Korea each year as a result of such trafficking and the currencies in which such income is received;

(4) describe the role of North Korean government officials and military personnel in such trafficking, including any use of diplomatic channels to facilitate such trafficking; and

(5) include an assessment of whether the leadership of the Government of North Korea is aware and approves of such trafficking activities in North Korea.

Mr. LUGAR. Mr. President, the amendment requires a report on the role of North Korea in trafficking of illegal narcotics. It has the support of both sides. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1173) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I have a unanimous consent request.

I ask unanimous consent that Senator BINGAMAN be recognized to offer an amendment related to AIDS, provided that Senator BINGAMAN be in control of 40 minutes and Senator LUGAR be in control of 20 minutes and, following that debate, Senator REID be recognized to speak for up to 15 minutes as if in morning business; finally, I ask that following that, the Senate proceed to a vote in relation to the Bingaman amendment, with no second degrees in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 1174 TO AMENDMENT NO. 1136

Mr. BINGAMAN. 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 Mexico [Mr. BINGAMAN], for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. HARKIN, Mrs. CLINTON, and Mr. CORZINE, proposes an amendment numbered 1174.

Mr. BINGAMAN. 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 express the sense of Congress on funding for assistance to combat AIDS globally)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. SENSE OF CONGRESS ON FUNDING FOR COMBATTING AIDS GLOBALLY.

(a) FINDINGS.—Congress makes the following findings:

(1) With the President's support, Congress overwhelmingly and expeditiously approved the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.), indicating the gravity with which Congress considers the pandemic of HIV and AIDS infection.

(2) The Act, which was supported and signed into law by the President, authorized the appropriation of a total $15,000,000,000 for fiscal years 2004 through 2008. Specifically, the Act authorized $3,000,000,000 to be appropriated in fiscal year 2004 for HIV/AIDS and related programs, of which up to $1,000,000,000 was authorized to be made available for the United States contributions to the Global Fund.

(3) In contrast to the amounts authorized to be appropriated in the Act, the President's budget for fiscal year 2004, includes only $1,900,000,000 for HIV/AIDS and related programs, of which only $200,000,000 is for the United States contribution to the Global Fund.

(4) Approximately 5,000 people contract HIV each day.

(5) In Africa, more than 17,000,000 people have died from AIDS, another 28,000,000 are infected with HIV, including 1,500,000 infected children, and 11,000,000 children have been orphaned by AIDS.

(6) The United Nations Development Programme Annual Report for 2003 states, ''HIV/AIDS is a catastrophe for economic stability [and] may be the world's most serious development crisis.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget for Fiscal Year 2004 (H. Con. Res. 95, 108th Congress, 1st session).

(c) DEFINITIONS.—In this section:

(1) ACT.—The term ''Act'' means the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.).

(2) GLOBAL FUND.—The term ''Global Fund'' means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

Mr. BINGAMAN. Mr. President, this is an amendment I am offering on behalf of myself, Senator DASCHLE, Senator LEAHY, Senator DURBIN, Senator LAUTENBERG, Senator FEINSTEIN, Senator HARKIN, Senator CLINTON, and Senator CORZINE.

This year in his State of the Union Address, President Bush announced a new global AIDS initiative which would provide $15 billion in U.S. funding over the next 5 years. Unfortunately, when the time came for the President to submit his budget and to stand behind that commitment to $15 billion, the budget did not reflect that commitment.

In the fiscal year 2004 budget request, the President asked Congress to appropriate at least $1 billion less than what he had spoken of in this new initiative. Rather than requesting that Congress appropriate $3 billion for these issues, the President effectively said in his budget that less funding was good enough this year.

This chart points out, in the bottom line, the President's budget request. As you can see, it is a total of $1.9 billion for the next fiscal year. The other line on this chart is the level at which we have authorized funding, which is consistent with what the President asked for in his State of the Union speech.

Using the most liberal of calculations, the President's budget asks for $1.9 billion for this AIDS effort. This includes $200 million pledged to the global fund in fiscal year 2004.

What makes this reduction even more difficult to swallow is that at the same time we were asking for less than we promised as a nation with regard to AIDS funding, we also saw in the budget of the administration requests for reductions in funding for critical global health issues in other areas as well.

I am very proud to say that this May, the Congress chose to realize the President's original vision when it authorized, over the next 5 years, the $15 billion the President asked for in his State of the Union speech. This was legislated as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

Within this $3 billion, we provided that $1 billion could be directed to the global fund. So Congress did authorize what the President talked about in his State of the Union speech.

The President is now, of course, in the midst of a tour through Africa. He is meeting with the leaders of those countries. Many of those countries have suffered from the ravages of these diseases. Of course, he is discussing, as he should, the fight against HIV/AIDS, against tuberculosis, against malaria.

The morning news report that I saw in the New York Times I think sums it up well. It has quotations. The President said yesterday in Botswana:

The people of this nation have the courage and resolve to defeat this disease and you will have a partner in the United States of America.

He went on to say:

This is the deadliest enemy Africa has ever faced, and you will not face this enemy alone.

There is another article I have from the New York Times that speaks of the President's trip to South Africa yesterday. It indicates the following: He talked about his AIDS proposal. He did not mention that a House subcommittee is likely to cut funds for the first year of the $15 billion 5-year program below the $3 billion sought by legislation that Mr. Bush signed this spring. The program would provide help to 14 countries. Twelve of those countries are in Africa.

The question for us in the Congress is whether we will vote now to fully realize the President's stated intentions or will we succumb to political expediency and essentially go along with taking credit for a $15 billion commitment while in fact doing substantially less than that. I believe a promise made should be a promise that is kept.

The amendment I am offering today, along with Senator LEAHY and Senator

DASCHLE, simply states that we will appropriate the amounts Congress and the President have pledged to commit to these programs, and that we will do so without reducing our funding commitments to other important global health programs.

The urgency behind our promise is borne out in a report that was released this week in which the United Nations finds that the greatest impediment to development in poor countries around the world today is HIV/AIDS.

In 1990, 10 million people were infected with HIV. Today, in 2003, there are 42 million people who are infected with HIV. To date, this disease has killed 25 million people. It has created over 14 million orphans. In the next 10 years, it is estimated that a full 25 percent of sub-Saharan Africans could die from HIV/AIDS.

Most of the victims of HIV/AIDS are children and young adults. It is a disease that cuts lives short before they ever reach their full potential. Because of this, it creates a generational vacuum in countries where it is most prevalent. The President today is in Botswana. That is the country with the highest rate of HIV/AIDS of any country in the world. So this generational vacuum I referred to means there will not be leaders for tomorrow. It means the ideas and energy that youth carries with it will not have an opportunity to express themselves as cultural, societal, and governmental forces. It means the development of nations is seriously jeopardized and the doors of opportunity for fanaticism and terrorism are thrown wide open.

In 1998, Zambia lost 1,300 teachers to HIV/AIDS. In a country that is able to train only 1,900 teachers in a full year, it is not hard to imagine the depth of the devastation that is being created.

To date, over 17 million Africans have died from AIDS and another 28 million are infected with HIV. This includes 1.5 million children who are infected with HIV. Experts estimate that in less than 25 years, there will be 110 million cases of HIV/AIDS in India, 70 million in China, 13 million in Russia. The magnitude of the health resources that will be required in these countries is mind-boggling.

Looking beyond the health service demands of these diseases, it becomes apparent that domestic productivity, the continued growth and development of these nations, will be significantly impaired.

I could go on at length about the extent of the problem we face. I think all of us in the Senate have become aware that this is a serious issue. By providing the promised $3 billion each year, in an effort to fight HIV/AIDS and TB and malaria, we would prevent a minimum of 2.3 million additional people from contracting the HIV virus. I say that is a minimum because by fully funding our promise, we can leverage more resources from the other countries as well.

The question we are faced with is whether Congress is going to step up and do what it has promised to do. It is not enough to say some year in the future we will get around to doing this. We have authorized $3 billion per year. We should appropriate $3 billion per year.

Our amendment answers that question and makes it clear that the Congress is committed to keeping its promise and this Nation's promise in this regard. It also makes clear we are committed to doing that not at the expense of other global health programs. The funding cuts in the President's budget seem to rest on an underlying assumption that because we are going to up the ante for funding HIV/AIDS, TB, and malaria, we do not need to do as much in the areas of poverty and disease and malnutrition and development of democracy abroad in other respects. The reality is, the confluence and the interaction of these factors in Third World nations contradict that assumption.

By choosing to focus intensely on one of these issues, we are not then free to ignore others. The effective model for helping nations that are less wealthy than ours requires an appreciation of the interdependence of the issues of poverty, disease, early mortality, famine, and poor education.

I do not believe that in order to fund efforts directed against HIV/AIDS and TB and malaria, other efforts to help these countries should suffer. Unfortunately, in the President's budget, other essential international programs are cut anywhere from 5 percent to 63 percent. Programs that help vulnerable children, children who are blind, who suffer mental disabilities, who have physical disabilities, those are cut 63 percent in that budget request. Immunizations, therapeutic and surveillance programs for infectious diseases are proposed for cuts of 32 percent. Child survival and maternity programs will be cut by 12 percent. So we need to address this issue.

The amendment I have sent to the desk is a sense of the Congress, but it is one that will make it clear to the rest of the world, as well as to all who are concerned about this issue, that we will make good on this promise. The Congress needs to choose between this funding and other items. The Congress needs to make a decision. The amendment we are offering today simply states that we are committed to putting the money behind our promises when it comes to fighting HIV/AIDS. We will provide the funds we promised. We will do so without cutting funding to other vitally important health needs.

Let me just read the very short ''resolved'' sentence out of this amendment I am offering. It says:

> It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act. . . .

That refers, of course, to the United States Leadership Against HIV/AIDS Act.

> [We] should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget. . . .

In my view, this is a statement that needs to be made, particularly this week as the President is traveling on the continent of Africa. I urge my colleagues to join me in helping to ensure that our commitment to fight HIV/AIDS is made a reality.

I yield up to 10 minutes to my colleague and a person who has been a very strong leader on this issue, Senator LEAHY from Vermont.

Mr. BYRD. Will the Senator yield briefly for an inquiry?

Mr. LEAHY. Yes.

Mr. BYRD. Mr. President, how much time remains?

Mr. LEAHY. The Senator from New Mexico yielded me up to 10 minutes. I don't think I will take quite that long.

The PRESIDING OFFICER (Mr. BUNNING). There are a total of 26½ minutes.

Mr. BYRD. I ask unanimous consent that upon the conclusion of the remarks by Mr. LEAHY I be recognized out of order, without the time being charged against either side, on another matter.

The PRESIDING OFFICER. For how much time?

Mr. BYRD. Not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and I thank the Senator.

Mr. LEAHY. Mr. President, I thank my good friend from New Mexico. I commend him for his amendment. What the Senator from New Mexico has pointed out is the reality behind the rhetoric; perhaps, to some extent, the honesty behind the headlines.

Like so many others, I have read with interest and a little frustration the press articles, the letters to the editor, the other expressions of view by various people about how Congress needs to ''step up to the plate'' and fund the President's global HIV/AIDS initiative. Of course, we should fund it. This is far more than a Presidential initiative. It is the culmination of years of work by Members of Congress, both Democrats and Republicans, and the White House and many private groups to significantly increase funding to combat the spread of AIDS.

When I talk about the reality behind the rhetoric and the honesty behind the headlines, I recall how right up until the end of last year the White House was actively opposing efforts by Senators, particularly Senator DURBIN, to provide emergency funding for this purpose. In fact, the White House refused many times to declare AIDS an emergency.

This January in his State of the Union Address the President announced a 5-year, $15 billion global AIDS initiative. The President received a lot of praise for that announcement. He should have. In fact, I

am one of those who did praise him for it. And he deserves credit for speaking out more than any previous President about the need to combat AIDS. I commend him for going to Africa, and for calling for greater efforts to fight AIDS, which has ravaged those countries.

But whether he intended it or not, the President's State of the Union announcement created the expectation that the administration would provide $3 billion toward this initiative in 2004, a reasonable expectation when you consider that there are 15,000 new HIV infections every single day. In 40 days, that is an amount equal to the entire population of my own State of Vermont.

The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, which passed last month—and we all recall, with very strong support from the President—reinforced this expectation because it authorized up to $3 billion for these programs in 2004.

I support that funding. In fact, while it represents a significant increase over the current level of funding, it is way short of what a country as wealthy as ours, the wealthiest Nation in history, should be spending to fight the worst public health crisis that history has ever known. But let's look at what has happened since then.

After the headlines were over, after the meetings at the White House were over, after all the photo ops were over, the President did not include $3 billion to fight AIDS in his 2004 budget. He provided $2 billion, not $3 billion.

In fact, depending upon who you ask in the administration, it is not even $2 billion. It is somewhere between $1.65 and $2 billion.

Let's assume it is the full $2 billion. That is $1 billion less than what he promised. And then when the Republicans in the House Appropriations Committee met, they provided in their allocation for foreign assistance, which includes funding to fight AIDS, an amount which cut the President's $18.8 billion foreign assistance budget by $1.8 billion. The Senate cut it by $800 million.

So what happened is, the President underfunded his own AIDS initiative by one-third when he actually sent his proposal to the Congress, and then the Republican-controlled Congress cut his budget even more. So now we are faced with the impossible task of finding $3 billion in a total budget that is considerably less than the President's budget which was already too little.

I am growing weary of hearing in the press: Now it is up to the Democrats to find the $3 billion to back up the President's promise. First off, it was not his initiative. It was a joint initiative of many. Secondly, he didn't include the money in his budget. And even with the amount of money that he did include in his budget, the Members of his own party cut it even deeper. Actually, if the Members of the President's party agree with the promise he and they made, they ought to be offering this amendment themselves, at least vote for this amendment.

The amendment says we want the President's promise to be fulfilled because if the Members of the President's party don't vote for this, what they will have done, as so often happens here, is pass a big authorization bill, pat themselves on the back, have the photo ops, accept the praise about finally getting serious about fighting AIDS and then, when the cameras have gone home and it comes time to appropriate the money, they say no.

Let's find the $3 billion. One easy way would be for the President to send up a budget amendment that actually asks for the amount of money that he promised. And then the Congress needs to declare AIDS an emergency, which we all agree it is, and appropriate the additional $1 billion.

I commend the Senator from New Mexico for his amendment.

And I take the President at his word, that he does feel strongly about the AIDS crisis and that he intends to do something about it. But words won't prevent AIDS. Words will not provide treatment to those suffering from it. Words are not enough to fight the worst epidemic in recorded history. It is going to require money, too.

The President has said the right things but now it is sort of like ''the check is in the mail.'' He has to write the check and he has to tell members of his own party who have voted for the President's budget, which actually cuts his promise substantially: Look guys, I made this promise; we have to stand up and vote for it. I think he would be doing a very good thing if he did. We are not going to cure AIDS overnight. We are not going to stop every new case. But we know how to slow it considerably.

We are going to see civil strife and conflict especially in Africa, and calls for the United States to send troops. And when you look to the root causes, it will be AIDS that is part of the problem.

We have been blessed in this Nation with the most wealth of any people in history. We should ask ourselves: Don't we have a moral responsibility to do everything we can to help those who are less blessed?

Mr. President, I reserve the remainder of Senator BINGAMAN's time and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for up to 25 minutes.

Mr. BYRD. Mr. President, on August 22, 1920, an article written by former LTC Thomas Edward Lawrence appeared in one of the great newspapers of London, the Sunday Times. This legendary British military officer—better known as Lawrence of Arabia—began his commentary with a sharp warning about his country's occupation of ancient lands in the Middle East:

> The people of England have been led in Mesopotamia into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information. The Baghdad communiques are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. It is a disgrace to our imperial record, and may soon be too inflamed for any ordinary cure. We are today not far from a disaster.

Colonel Lawrence concluded with an equally sharp question:

> How long will we permit millions of pounds, thousands of Imperial troops, and tens of thousands of Arabs to be sacrificed on behalf of colonial administration which can benefit nobody but its administrators?

Mr. President, it seems that history does have a way of repeating itself. These were the observations some 83 years ago of a British soldier who had studied the history of the Middle East, fought alongside Arabs in the Great War, and understood the anger of those who lived under the administration of a distant power. How prescient were those words—then and now.

His observations, which might have been considered academic in the months before U.S. and British troops began their recent advance into Iraq, now appear, as I say, prescient. As violence in the streets of Baghdad increases, as our troops are being killed and wounded by guerrilla attacks, as progress toward creating a new Iraqi Government stagnates, the American public is only just now beginning to come to grips with the enormity of the task that we have before us in Iraq.

A clear picture had never been painted for the American public by the ''powers that be.'' Oh, we heard rosy scenarios about instant liberty and flowers to the troops. The Vice President talked about flowers that would be bestowed upon our troops by those people in Iraq who would be liberated by us, the liberators. That was the talk of the day.

But now reality has emerged and it is harsh. And seeing the enormity—the enormity, I say—of the task before us and the increasing dangers to the loved ones who serve in uniform, the American people out there who are watching this Senate forum are beginning to ask, How long must our troops remain in those distant hot sands? How long? They are asking that in the mail I receive from the people back home. How long must they patrol the dangerous streets of Najaf and Fallujah? When will our troops be coming home?

Weeks ago, the President gave vague assurances about the timely withdrawal of our troops. He said:

> We will stay as long as necessary to get the job done, and then we will leave.

Those were his remarks at Santa Clara, CA, on May 2 of this year. But I say, Mr. President, such words are without substance; they are ''doublespeak.'' They do nothing but feed the hopes of the American people, as well as the people of Iraq, that our troops will soon return from Iraq,

while avoiding any real indication of when that might happen.

The fact is, the Bush administration has carefully avoided telling the American people when it expects our occupation of Iraq to conclude. So far, this administration has yet to even estimate how soon it will be able to hand over Iraq to the Iraqi people. In short, it appears that we have no exit strategy, and we have had none from the beginning.

The word ''quagmire'' is starting to be used by the media. Clearly, many people are very worried about our situation in Iraq. The death toll keeps mounting.

Last week, the President actually taunted those forces who are murdering our troops in the streets of Iraq. He dared the violent militants by saying: ''Bring 'em on.'' One can hardly think of a more inappropriate comment for a President to make when Americans are under siege in Iraq and being asked to deal with the treacheries of urban guerrilla warfare with no end in sight. Chest thumping should have no place in such a situation.

This was the same President who went to the trouble to put on a flight suit, land on an aircraft carrier, and with great fanfare tell the American people that major combat operations in Iraq have ended, while overhead there was a banner stream which said: ''Mission accomplished.'' But British and American soldiers are still dying in Iraq. Now the President is saying: ''Bring 'em on.'' What are we to believe?

The President has backed away from earlier suggestions of a foreseeable end to U.S. peacekeeping efforts in Iraq. He warns of the return of tyranny if our troops begin returning home.

Judging by the President's statements, our armed forces have become the thumb in the dike—the only obstacle that prevents the return of a repressive dictatorship in Iraq.

How did it come to this? Members of Congress were told that our forces would be greeted as liberators. We will be going in not as occupiers but as liberators. Iraqi citizens were supposed to eagerly embrace democracy and serve up Saddam Hussein on a silver platter the moment they sipped from the cup of freedom. We should have known that the burden of democratizing Iraq would be no easy task. The Administration should have been more forthcoming about the difficulty of that task, about the time it would take to execute it, and about the cost to the taxpayer.

To be sure, the Defense Department is now scrambling to scrape up as many as 20,000 foreign troops to join our forces in occupying Iraq by the end of September. I applaud these efforts. But it would be folly to believe that a deployment of 10,000, 20,000, or even 30,000 foreign troops would significantly reduce the dangers to the scores of thousands of Americans who are now in Iraq.

The failure of this Administration to adequately plan for postwar Iraq has become painfully evident. Before the war, I said: Where is the plan? What is the plan? At yesterday's Armed Services Committee hearing, Secretary of Defense Donald Rumsfeld said he did not know if the United States had made any formal request for assistance from NATO or the United Nations since the beginning of the war in Iraq. The deployment of experienced peacekeepers from our friends and allies would go a long way to relieving the strain on our troops. And, Mr. President, it is simply shocking that our Secretary of Defense would be unaware of efforts by the administration, if there are any, to make a formal request to NATO and the United Nations to provide these troops.

The tragic failure of the Administration's efforts to build international support before launching its impatient rush towards war against Iraq is now bearing its bitter, bitter fruit.

The Secretary of Defense tells the Senate Armed Services Committee to be patient. Well, the administration was not all that patient before launching its rush toward war against Iraq.

The difficulty in finding just 20,000 peacekeepers to patrol Iraq is evidence that White House efforts to assemble 49 nations into a ''coalition of the willing'' was merely an exercise in rhetoric, meant to cover the lack of significant military or financial contributions from dozens of nations, save for those of Britain, Australia, and Poland.

Has the lack of a plan for postwar Iraq needlessly cost American lives? If we had not been so convinced that Iraqis would greet our armies with flowers and smiles, could we have better anticipated the chaos and lawlessness that broke out in the days after the war?

If we had not been so cocksure about our ability to neatly decapitate the leadership of the Iraqi regime, could we have fashioned a better plan to deal with the collapse of civil order as our tanks rolled into Baghdad?

Perhaps this White House should have listened to the advice of some senior military leaders who foresaw the need for several hundred thousand troops to stabilize postwar Iraq. Perhaps it should have contemplated the consequences of a Saddam Hussein driven into hiding but still potent and dangerous. Perhaps, perhaps, perhaps.

The Administration appears quite ready now to dedicate our military to a long-term occupation of Iraq. War-weary soldiers will continue to patrol the areas around Baghdad. The citizen-soldiers of the National Guard and the Reserves will be kept from returning to their homes, their jobs, and their families.

Senators, read your correspondence from back home. See what those families of guardsmen are saying. Read your letters. You are receiving them. My office is not unique in that respect.

The citizen-soldiers of the National Guard and the Reserves will be kept from returning to their homes, their jobs, and their families. Thousands of American families will continue to worry about the fate of their loved ones.

Ah, the sleepless nights that are spent by mothers, by wives, by husbands of guardsmen who have already been in Iraq for weeks and weeks and who are not told when they will be coming home but were told we will be there for a long time. Think of the tears that are spilled by mothers and wives and children for the husbands, the sons, the fathers who are away and who are not told when they will be coming home.

And in spite of the heavy commitment that this Administration has made to the most ambitious policy of nation-building in more than half a century, it appears to be on the verge of sending unknown numbers of U.S. troops to yet another peacekeeping mission in Liberia.

In my home state, there is a growing sense of disenchantment with these foreign adventures. Every day, more letters come to my office from West Virginians asking when their family members will be coming home. How long will it be? How long must we wait? When will they be coming home? My letters contain details about National Guard and Army Reserve units with unclear missions and open-ended deployments. I have received word that some units are without mail service—we are not told that by this administration—others must wait weeks between phone calls home to their families. One unit had to ration water to just 20 ounces per day because of supply shortages. I suspect that other Senators are experiencing a similar phenomenon in the content of their mail from families of the Guard and Reserve.

These part-time soldiers are proud to serve in our nation's military, but they know that they are also full-time members of their communities. Our nation's reservists have important duties in their civilian lives, serving their cities and towns as police officers, business men and women, doctors, teachers, and laborers. Members of the Guard and Reserves proudly joined to serve their country in times of crisis, and they have demonstrated that pride and done well, but not to be a permanent constabulary force in the Middle East. Nobody told them that.

Our brave and professional fighting men and women are awesome on the battlefield, but they must not be expected to carry out the role of peacekeepers or nation-builders in an open-ended mission, whether it take place in Lebanon, Somalia, Bosnia, Afghanistan, Liberia, or Iraq. Our American soldiers are not Iraqi bureaucrats. Our Armed Forces are trained to win wars, not run countries. Putting our men and women in such an untenable situation is a misuse of our military and a disservice to our military personnel.

This Administration should think hard about whether we have the manpower—do we?—to sustain a large commitment of troops in Iraq for the long term. They better think about it. We currently have overseas commitments in South Korea, Japan, the Balkans, and Afghanistan. I have heard we have our military forces spread so thinly around the world, in 136 countries, I recently saw. Keeping tens or hundred of thousands of troops in Iraq for as many as ten years may demand more troops than our voluntary armed forces can muster. Think about it.

This Administration should think hard about whether we have the money to single-handedly pay for the occupation and reconstruction of Iraq. The Department of Defense has reported that we are spending $3.9 billion each month to occupy Iraq. That is a billion dollars a week. How much is a billion dollars? A billion dollars is $1 for every minute that has passed since Jesus Christ turned the water into wine in the city of Caanan.

So the Department of Defense has reported that we are spending $3.9 billion a week. They had not said that until yesterday. Pulling that information from the Secretary of Defense was like pulling teeth. It was hard to do.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. One minute and thirty-eight seconds.

That is in addition to the $950 million we are spending each month for our mission in Afghanistan. At a time when the United States is running record-breaking deficits of $400 billion each year, the Administration has not even included these $58 billion in occupation costs in its budget. In sharp contrast to the 1991 Persian Gulf war, where our allies contributed $54 billion of the $61 billion cost of that war, the American taxpayer is virtually alone in bearing the burden for the staggering cost of this most recent war with Iraq.

Americans have good cause to be proud of the men and women who unselfishly serve our country in uniform. They have carried out their duty in Iraq admirably. But what is the next step? The last thing we want to do is repay the services our troops have given to our country by committing them indefinitely to a fuzzy reconstruction mission of uncertain duration.

Iraq is fast becoming an urban guerilla shooting gallery with U.S. troops as the targets. It is time to go to the United Nations and work to deploy a trained multinational peacekeeping force to cope with the perils of the occupation of Iraq. Before there is a disaster to cope with, before there is a major loss of life, before there is a crisis, we must read the tea leaves.

This White House cannot further presume on the patience of the public. The American people must be given an exit strategy for our troops. We must ask the international community for help in Iraq.

I yield the floor.

Mr. DURBIN. Will the Senator from West Virginia yield for a question?

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. My time has expired.

The PRESIDING OFFICER. The time has expired.

The minority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to yield to the Senator from Illinois for whatever question he may want to ask of the Senator from West Virginia.

Mr. DURBIN. I thank the Democratic leader for the time.

I rise for a brief moment in tribute to my colleague from West Virginia. Over the last 6, 8, or 10 months, the United States has been making critical and historic foreign policy decisions which have reversed values and traditions that have guided this country for decades. One Senator has come to this floor time and time again to turn that bright, glaring light on America that is our responsibility to do, and the Senator from West Virginia has done it again today. I thank him for being that voice time and again in the Senate, and I hope that many of us will join in this chorus to accept our congressional responsibility to the people we represent, to stand up and ask the hard questions that Congress must ask of every President, regardless of party, particularly at a moment in time when over 100,000 of our best and brightest in service to this country are risking their lives. My tribute and thanks to the Senator from West Virginia.

Mr. BYRD. Mr. President, my thanks to the senior Senator from Illinois who has added his voice and his vote in support of his conscience on this matter.

Mr. DASCHLE. Mr. President, I will use the remainder of my leader time to make a couple of remarks with regard to the Bingaman amendment, but I, too, want to join the Senator from Illinois in expressing our gratitude to the Senator from West Virginia for his outspokenness, his candor, the strength and conviction with which he has once again articulated the views of so many of the people of this country, as well as the members of our caucus. I thank him once again for his contribution.

Mr. BYRD. Mr. President, I thank the distinguished leader.

AMENDMENT NO. 1174

Mr. DASCHLE. Mr. President, I express my strong support for the amendment offered by the Senator from New Mexico. It is very straightforward. It says as clearly and as succinctly as it can that the United States must keep its promise when we consider the appropriations bill later this month, that we will fully fund the $3 billion promised in the fight against global AIDS. That is all it says.

The Senator from New Mexico has laid it out very clearly. I applaud him and thank him for his leadership and the compelling arguments that once again he has articulated with regard to the urgency as well as the need to do this as we consider the appropriations bill later on.

The President early this year laid out a very ambitious proposal. Unfortunately, for whatever reason, the President did not fund that proposal when he submitted his budget to the Congress. We are now responsible to fill that hole, to address that vacuum, to make that commitment. That is, in essence, what the Senator from New Mexico is saying with this amendment. Let's acknowledge the commitment, let's acknowledge our determination at the appropriate time, in the appropriations bill, to send a clear message.

Why is it important now? It is important now because the focus of the world media is on Africa. The President today is in Botswana. I happened to be in Botswana last August. It is a beautiful country with remarkable natural beauty. They have a dedicated democratic government, one of the most successful in all of Africa. It has the fastest growing economy in the world over the last three decades.

However, if there is any hope of economic survival, if there is any chance this economy will continue to flourish, they must grapple effectively with a very serious matter. Forty percent of all Botswanans today are infected. Consider that 4 in 10 people in Botswana today have HIV. We opened an AIDS testing and counseling center when we were in Botswana. The townspeople turned out for that ceremony with a joy and excitement that I had not expected in a country where 40 percent may have that disease. They were joyful for one reason: They knew we could now begin to address this incredible problem.

If we fully fund our promise, if we fully ensure that centers such as the one we opened in Botswana last August can test, can treat, can care, can provide the outreach, then indeed we will have fulfilled our commitment. We will have recognized the critical nature of this crisis.

The world has never known a pandemic as brutal as this AIDS pandemic. But the world has never known a country as strong and giving and caring as America. So this is our moment to prove that the commitments made in the past are no less and no more than the commitment we make now to address this pandemic in a meaningful way, to send a clear message to the Botswana people Botswana who are listening today and who want to believe what they heard in the commitment given earlier this year is one that will not erode, that will be there, not only with words but with deeds, not only with promises but with resources.

That is what the Bingaman amendment does. That is why I rise so strongly in support of it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has 16 minutes and 20 seconds.

Mr. BINGAMAN. Mr. President, I thank Senator DASCHLE, the leader, for his strong support for this effort.

I had the good fortune to be with him in Botswana last August and underscore and emphasize the very points he made about the enormous need that exists in that country and throughout the African continent.

I yield all but 2 minutes of the remaining time to my colleague from Illinois. I reserve 2 minutes to summarize at the end.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 14 minutes.

Mr. DURBIN. Perhaps I will not use all of the time and will yield back to the sponsor of this amendment.

Mr. President, I thank the Senator for focusing the attention of the Senate on an issue of such moral gravity. As the President of the United States said in Africa yesterday, that continent has never been challenged as greatly as it is challenged today by the AIDS epidemic. I might add parenthetically, the world has never been challenged in a way we are being challenged today by this world AIDS epidemic.

I sit on the Democratic side of the aisle and am proud of my party loyalty, but when I went to the State of the Union Address with President Bush just a few months ago and he said the United States of America was going to lead the world with a $15 billion commitment over 5 years to fight the global AIDS epidemic, this Democrat stood up and applauded as loudly as he could. And ever since, every opportunity I have had, I have given this President credit for leading our Nation in the right direction on the global AIDS epidemic.

I add, as well, I am happy this President has joined two of his predecessors in visiting sub-Saharan Africa. We have overlooked this continent far too long. There is great potential in sub-Saharan Africa, a great potential for economic growth and a great potential for building democracy, building a market economy.

But as President Bush has learned and everyone who visits Africa learns, this whole continent is consumed with this epidemic. You can go to Africa looking for any issue you are interested in; I guarantee what you will find is the AIDS epidemic. Whether you are interested in food, AIDS, or economic development, whether microcredit or education, your first concern will be the AIDS epidemic.

How can you teach children in school when school teachers are dying at an alarming rate? How do you keep up with the health care needs with so many AIDS orphans and so many infected people? What is the economic future of a country where you cannot predict what next month's workforce will look like? All of these issues, whatever they may be, all point to the one central concern: Fighting and conquering this epidemic.

We applauded President Bush on both sides of the aisle for the $15 billion over 5 years. What Senator BINGAMAN is doing today is saying to the Senate, don't let the applause die down. Let's give the President a chorus of support, not just a chorus of applause. Let's make certain those who did stand up and laud the President for his leadership will be here doing our part.

It is inexcusable to say we can only spend $2 billion this year to fight the global AIDS epidemic. The United States can do more and must do more. If we do not, more people will become infected, more people will die, more AIDS orphans will populate the poor countries around the world which means the challenges in the later years will be even more substantial.

How much money is needed at this point? Here is an estimate that has been given from the United Nations agency about the need to fight the global AIDS epidemic. If you look at the next fiscal year, 2004, $8 billion is needed on a global basis. The United States AIDS spending is substantial but, unfortunately, it makes up only a small part of this global need. Frankly, when you look at what the President has proposed, if we could increase our spending to a $3 billion level it could make a significant difference.

This year about $4.7 billion will be spent worldwide fighting the global AIDS problem; $1.6 billion of international bilateral assistance country to country of which the United States puts up about $640 million; $1 billion in multilateral AIDS groups like the Global Fund, which I support; $1 billion by the governments of infected countries, and $1.1 billion by the families of those infected countries—about $4.7 billion. And the need is $8 billion.

What Senator BINGAMAN brings to the Senate today is an amendment asking the Senate to put the money where the promise has been made. The President has toured South Africa, Botswana, countries like Senegal. In visiting these countries he has said the United States is committed to $15 billion. With the Bingaman amendment, we will make certain that commitment is more than just passing rhetoric.

I say to my colleagues in the Senate who have had a chance to travel overseas and not visited Africa, if you want to be a convert on the urgency of this issue, visit Africa. Meet the people who are infected today and are trying, every single day, just to survive.

Go to Soweto Township in South Africa, as I did just a few months ago with Senator FEINGOLD of Wisconsin, and meet women who are infected with HIV who have small children and will never be able to have access to antiretroviral therapy which could keep their lives stronger and longer than otherwise would be the case. The best they could hope for is one nutritional meal a day, to give them strength to ward off infection.

Come to the streets of South Africa. Come see in Cape Town the AIDS orphans roaming those streets, AIDS orphans—I saw this with my own eyes—who are sniffing glue, stealing, living on the streets. Their families are gone. It is repeated over and over, thousands of times, millions of times, in sub-Saharan Africa.

Come to Uganda and find those battling with the AIDS epidemic with very little money but great resolve, preaching abstinence and fidelity and condoms if necessary to protect themselves. These are people winning this battle every single day, waging the battle every single day, surviving for another day. But they need our help.

The richest nation on Earth should put $3 billion on the line this year, this next year, as the President has promised—in 2004. By keeping that promise, we will say to the world, we are not only trying to meet our moral obligation, we are urging you to do the same.

This money has a multiplier effect. Mr. President, $3 billion from the United States will multiply into more and more money being spent on the global AIDS crisis. But, likewise, our failure to do so, our failure to keep our word—what the President said in the State of the Union Address—that is going to be noted as well.

We have a lot more we can do. It is not just a matter of humanity and compassion; it is a matter of global security. These countries that are devastated by AIDS are fragile societies which, if they fall, if they cannot maintain their civil structure, will become vacuums, and in those vacuums we know we will find havens for terrorism, laboratories and experiments for the worst possible political outcomes. We don't want that to happen.

We need to stand together with the President. I don't think we should be making excuses or coming up with alternatives. Let's put our money where the President promised it would be. Let this President, traveling in Africa, receive word within an hour that the Senate is standing behind him. The promises he is making to the continent of Africa are promises which both political parties in the Senate are going to stand behind. That is the best possible message.

Senator BINGAMAN, Senator LEAHY, Senator DASCHLE, I, and others want to make certain $3 billion will be available next year to combat this pandemic across the world.

I stand in strong support of this amendment, and I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. There remain 7 ½ minutes.

Mr. BINGAMAN. I will yield to the Senator from California who had a question or two she wanted to ask at this point.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Yes, I wish to address a couple of questions to my friend, Senator BINGAMAN.

First, I thank you so much for bringing this amendment to the floor. We have a situation where President Bush

is in Africa. I want to make sure I am right on how I read your amendment. He is there saying he has committed, over a 5-year period, $15 billion. Is that correct?

Mr. BINGAMAN. That is exactly the commitment the President has made.

Mrs. BOXER. As I understand my friend, what has happened is that the President's own budget, instead of giving $3 billion for this effort, which would be $3 billion this year and $3 billion each year for 5 years to meet his commitment, has underfunded his own request and has underfunded where the authorizing bill said this ought to be at $3 billion.

Am I correct in saying when the President says he is waiting for Congress to act, essentially his own budget has undercut his commitment?

I just want to make sure I understand that what the Senator is doing today is sending a signal to the people of the United States of America, and to the people who are suffering from AIDS worldwide, that this amendment would bring the amount up to the amount that was promised in the President's own authorizing legislation but that he has underfunded in his own budget and that this bill is underfunding.

What you are doing is keeping the promise made by the President himself, in correcting what was a terrible mistake, it seems to me, in the fact that this bill, as it currently stands, without my colleague's amendment, underfunds that account for AIDS.

Mr. BINGAMAN. Mr. President, in response to the question, let me just say that is the thrust of the amendment. The amendment is a sense of the Congress. It is the sense of the Congress that when appropriations bills do come to the floor of the Senate, we will agree to fully appropriate the money needed to meet this $3 billion per year commitment. That is not the amount the President has asked for. He has asked for substantially less. It is not what early indications are the House Subcommittee on Appropriations is likely to provide.

We are also concerned, of course, about the availability of those funds in our own Appropriations Committee.

So this would make it clear to the whole world, we are committed to providing these funds, even if it is outside the bounds of the budget resolution—which it may well have to be. But we will provide the funds necessary to meet the commitment the President has made and continues to make on this trip to Africa.

I would like to reserve the remainder of my time. I know Senator LUGAR wishes to reserve the remainder of his time so we can have short statements. We will not use the full amount of time reserved.

At this point, Senator REED is here wishing to speak so I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, the Senator from Rhode Island is recognized for up to 15 minutes.

Mr. REED. Mr. President, over the past few weeks the entire world has witnessed the images emanating from Liberia of chaos and carnage and a people who are bedeviled by a civil war that has lasted too long. This is a country that is in turmoil, a country with which we have a deep historic relationship. It is a country I do believe we must assist.

The trouble in Liberia is not of the last few days or few months. It has extended at least for a decade. But at this time we have the opportunity, and I believe also the responsibility, to assist the people of Liberia to find a better way, a way without violence, a way that will guarantee a democracy that works and an economy that provides for the people of Liberia.

Liberia has a special relationship to the United States. In 1822, a group of freed slaves from America began to settle the west coast of Africa. They were provided assistance by private philanthropists but at the insistence and encouragement of the U.S. Government. This was, at that time, a response to the prevailing system of slavery in the United States, a humanitarian approach.

By 1847, these settlers had established the Republic of Liberia, the first independent country in Africa. It was modeled after the United States. In fact, even today, 5 percent of the population trace their heritage directly back to these American slaves who were freed and repatriated to Liberia.

The Liberians modeled their Constitution on the United States Constitution. The Liberian flag closely resembles the United States flag. The capital of Liberia is named Monrovia, after President James Monroe.

Before 1990, before the beginning of this civil war, Liberia's leading trading partner was the United States, and the United States was a major source of assistance to the country of Liberia.

Our histories have been inextricably linked since 1822. Without the attempt of the United States in a small way to work its way through the problem of slavery and the creation in this country of private philanthropy, Liberia would not exist.

I argue that these close historical ties are very important influences that should govern our decision today as we seek to help the people of Liberia.

At the core of the problem today in Liberia is the behavior and the conduct of the President of Liberia, Charles Taylor. Taylor is 55 years old. He is the son of an American father and a Liberian mother who was a direct descendent of American slaves.

During the 1970s, he worked in Boston, MA, while earning an economics degree at a Massachusetts college. He returned to Liberia in 1979, having spent a significant part of his life here in the United States. In 1979, the Government of Liberia was at that time taken over by Samuel Doe. President Taylor worked briefly for Samuel Doe. When he was accused of embezzling over $1 million from that Government, he left Liberia. He fled to some place with which he was very familar, Massachusetts. He was arrested there but he managed to escape from jail and made his way to Libya where he trained at a camp run by Qadhafi, a guerrilla training camp.

In 1989, he led a small band of irregular forces that overthrew the Samuel Doe government, and he effectively became leader. Then, through an election, he became the President.

But his Presidency has been marred not only by the decline of Liberia but by the instability throughout west Africa, spawned by his policies and his practices. Between 150,000 and 200,000 people have been killed and over 1 million people have been dispossessed in Liberia during the Taylor reign.

Monrovia, the capital of Liberia, a city of more than 1 million people, is the only African capital that has no electricity, no running water, and no telephone service. Tens of thousands of people live in the ruins of bombed-out buildings. There are only two functioning hospitals in the entire country. Only a handful of flights each week leave Monrovia in small planes and go to adjacent west African countries. There is no direct connection between this country and the capitals of the world.

In the past decade, in response to this violence, this chaos, and this collapse, the United Nations has passed seven resolutions seeking to halt the destabilizing force of the Liberian Government—seeking to halt it from its policies of encouraging rebel groups in adjacent countries and trying to induce it to fully abide by numerous Security Council resolutions to end the internal conflict in Liberia.

The United Nations-backed Special Court in Sierra Leone is investigating war crimes that have taken place in Sierra Leone. These crimes include mass rapes, kidnapping, murder, amputation of limbs of civilians, and recruitment and use of child soldiers.

Last month, the Court unsealed an indictment against Charles Taylor for ''bearing the greatest responsibility for war crimes, crimes against humanity and serious violations of international humanitarian law within the territory of Sierra Leone since November 30, 1996.''

Taylor has deliberately assisted rebel forces in Sierra Leone and has provided resources for and is a willing party to the atrocities which I mentioned—the atrocities which have led to his indictment by the Court in Sierra Leone. He did it for diamonds. He did it for power. But the results have been devastating to that country.

It is quite clear that Taylor has not only destroyed his own country but he has also helped to undermine and destabilize adjacent countries, such as the Ivory Coast and Sierra Leone.

One of the problems with countries such as Liberia and adjacent countries is when there is a government that

does not work or simply works for the benefit of the party in power or the person in power, those countries are likely breeding grounds for terrorist activity and terrorism that will spread beyond their borders. In fact, in today's world, it could spread worldwide.

As a CRS report noted, ''For more than a decade, cycles of conflict in Liberia have generated a range of effects that have undermined the national security, political stability, and economic prosperity of its neighbors, and had secondary negative repercussions in the wider sub-region. Among the most serious of such effects are the spread of small arms; the diffusion of violence-based social norms, often with commercial underpinnings; and increasing amounts of mercenary activity in the region; the deployment of diverse, often state-assisted rebel groups along regional borders; rampant human rights abuses; and the creation of aggrieved refugees and internally displaced populations.''

That has been the record of Charles Taylor.

I believe the United States has an obligation to Liberia based on history, based upon the chaos that is obvious in the country, based upon the policies and practices of President Taylor that has ruined his own country and harmed his neighbors. We must act for the security of west Africa and possibly even for the security of the United States.

I should also point out that our British allies intervened in Sierra Leone to ensure stability because of their historic ties with Sierra Leone. The French have intervened in the Ivory Coast. In fact, a month ago it was the French forces that evacuated Americans who were in danger in Liberia itself.

I believe we have to take several steps. First, the United States should organize a robust multinational force endorsed by the United Nations Security Council to support the cease-fire and to restore order in Liberia.

We all recognize that this is a decision for the President of the United States. But the Department of Defense must give the President of the United States all the options he needs and which he requires for the movement of troops—troops that could, with the President's order, intervene in Liberia. Without timely orders and giving troops notice of movement and beginning the movement process, we could find ourselves with other ugly episodes of violence in Liberia in the next few days, or weeks, or months. Finding the President being moved to act, it could take days to put our forces in place to operate.

With respect to not only organizing our response, we also should seriously begin marshaling the forces necessary to intervene if and when the President of the United States gives such an order.

Our involvement should not be contingent on Charles Taylor's decision to leave.

I have already described the record of Mr. Taylor. It is a record that lacks credibility. And his decision should not represent a veto of our policy. The President has said that he would consider the use of force or international forces if Taylor left. I think we should make it quite clear that if the situation deteriorates sufficiently and there is a prospect of using force for positive change for the Liberian people, then Charles Taylor should not decide by his presence or his absence whether we commit forces or assist with these international forces.

The United States should also seek Security Council approval of chapter VII authority to further support the Sierra Leone Special Court and its indictment of Taylor for crimes against humanity.

Presently, although the Special Court is backed by the United Nations, only Sierra Leone is bound by its decision. We should use our diplomatic influence to ensure that Taylor answers the indictment, in the event he does leave Liberia, or in the event that he comes into international custody in Liberia.

Finally, we should support a U.N. mission for Liberia, in consultation with the Economic Community of West African States, or ECOWAS, and the International Contact Group for Liberia, to provide for an interim government and ultimately a democratic transition.

The world, and particularly the people of Liberia, are waiting for our leadership. We should provide it.

There is another aspect of the issue of Liberia that is important to consider. It is not with respect to those Liberians who are in that country but actually with respect to Liberians who are here in the United States and who have been here in the United States for more than a decade.

When the Liberian civil war broke out, many Liberians began to flee to the United States. The chaos began to be obvious to our political leaders and in March of 1991, the then-Attorney General recognized their plight, and granted to these people temporary protective status, or TPS. This was back under the administration of President George Herbert Walker Bush.

Under TPS, nationals of a country may stay in the United States without fear of deportation because armed conflict or extraordinary conditions make it unsafe for these people to return home.

To obtain TPS, persons must register with the Bureau of Citizenship and Immigration Services—formerly known as INS, before its reorganization—pay a processing fee, and apply for an authorization to work. They must have a passport from the country from which they have fled. And they cannot be granted TPS if they have any criminal convictions.

Persons with TPS in the United States must pay taxes, but they do not qualify for benefits such as welfare or food stamps, and not a single day spent in this country under TPS counts toward the residency requirement for permanent residency.

As required by statute, the Attorney General reviews the situation in the country each year and then decides whether to extend TPS.

In the case of Liberia, the civil war has raged on and on for more than a decade, prompting Attorneys General of the first Bush administration, the Clinton administration, and the present Bush administration to annually review the status of Liberians in the United States.

In 1996, 1998, and again in 2002—this time under the present Bush administration—the Attorney General found that the situation in Liberia had deteriorated to such an extent that TPS was not only granted but there was a ''redesignation.''

What does that mean? It means that people who had fled the country after 1991, or who had returned to Liberia and then returned to the United States, were also included in the protected category of TPS. So we have had a situation going over a decade in which annually Attorneys General have looked at the issue and have granted protective status to these people.

There was one brief period, from 1999 to 2001, where the conflict seemed to be ebbing. In that period, TPS was not granted. However, the Attorney General and the administration determined that it was still inappropriate to return these people to Liberia.

The PRESIDING OFFICER. The 15 minutes allocated to the Senator from Rhode Island have expired.

Mr. REED. Mr. President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

During this period of time, the Attorney General, therefore, granted a different form of relief known as deferred enforced departure, which was used to shelter the population of Liberians in the United States from immediate deportation.

But I think the point is, it is quite clear we have recognized the legal right of these people to stay in the United States because of the turmoil in Liberia for more than a decade.

That turmoil today is even worse. It is reaching a crisis proportion, so much so that the President of the United States is actually contemplating the use of American forces or certainly American support for an international peacekeeping mission.

Now, I have given this long and complicated history to suggest that we have a population that each year waits anxiously for a decision by the Attorney General whether to be sent back to a very difficult environment.

We are talking about 15,000 people in the United States. There is a human

face to this. They cannot tell an employer they can take a job for 2 years. They do not know if their children can go off to college for 2 or 3 years because you cannot give those assurances. They pay taxes, but they do not qualify for benefits. And many of these Liberians have lived in the country longer than the 5 years of residency required for citizenship.

What I have done for several years is introduce legislation to allow these individuals to become permanent residents as a step towards citizenship. I have been supported by my colleagues, Senators CHAFEE, KENNEDY, CORZINE, DURBIN, and HAGEL because we believe—and particularly at this moment we believe—it is appropriate to give these Liberians in America a sense of permanency.

Let me say, this would not be a unique occasion. We have, in many other instances, extended coverage like this to other nationals. We have had situations in which we have allowed people staying in our country to adjust to permanent residency status.

For example, in 1998 Congress passed a law allowing four national groups, who were in similar situations, staying in the United States at the discretion of the Attorney General to adjust to permanent residency status: 4,996 Poles, 387 Ugandans, 565 Afghanis, and 1,180 Ethiopians.

In the 102nd Congress, we passed a law that allowed 52,968 Chinese nationals with deferred enforced departure to apply for permanent residency and then citizenship because they were victims of Tiananmen Square.

In the 105th Congress, we passed the NACARA legislation. Under this law, 150,000 Nicaraguans, 5,000 Cubans, 200,000 El Salvadorans, and 50,000 Guatemalans were given the chance to reach permanent residency status.

In 1999, we passed a bill allowing 2,000 Syrian Jews to accede to permanent residency en route to citizenship.

My legislation would not set a precedent, but it would provide support and comfort, and I think long overdue justice, to 15,000 Liberians in this country.

Mr. President, I hope we can work together in the near future to make this legislation law.

I thank my colleagues for listening to this speech about Liberia. We have two functions: One, to provide assistance internationally to help the people struggling there; and then to provide a sense of permanency to those Liberians who are here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will give a short speech as part of the 20 minutes allocated to me at this time.

My understanding is, my colleague Senator BINGAMAN will speak on the AIDS legislation that he has proposed with many cosponsors, and then we will proceed to a rollcall vote on the Bingaman amendment.

Let me say at the outset that during our debate today on these authorization bills, we have heard from Senators on very important foreign policy issues. The distinguished Senator from Rhode Island, who just spoke on Liberia, is an excellent example of one who has spent time and effort in analyzing that issue.

We heard from the distinguished Senator from West Virginia, Mr. BYRD, earlier on with regard to his apprehensions on Iraq. Other Senators likewise have taken this forum.

Although that means perhaps our debate has been more extended on the authorization bills, this is a good time for Senators who are focusing on foreign affairs to speak and to enlighten their colleagues and the public in this important body.

On the AIDS question, let me simply say that I indicated early on to Senator BINGAMAN and the sponsors that we would be prepared to accept that amendment. I did so simply because I think it is important, with the President in Africa, that there be clarification, in a bipartisan way, that we support the initiative he has given to the world. It is an extraordinary initiative. It has large impact. Hopefully, it will have good results on the ground with medical services, pharmaceutical products, other practices that are initiated by the various states that may be recipients as well as individual persons.

I come to the floor simply to say I hope Senators will support the amendment, that we understand the President has made a very large offer. Now, authorizers and appropriators are going to have to work their way through that situation, along with the White House, in responsible ways for the next 5 years or so. That will take some doing, as most speakers today have pointed out.

There has been, at least with some of those who have spoken on the issue, some skepticism about whether the President either understood the enormity of the task, whether he or his staff have in fact asked for the amounts of money that are required to get the job done, to follow the plan. And, in fact, some have suggested even a photo op followed by a lack of activity and followthrough that would be disastrous both to the credibility of the proposal as well as to the recipients.

My own view is that our President, George Bush, is very sincere about this project. I say that from personal conversations with the President and the opportunity to work with him. The occupant of the Chair, as a distinguished member of the Foreign Relations Committee, is well aware that our committee took up the AIDS legislation issue. Senator BIDEN and I, in a bipartisan way, formulated, with the aid of many Senators on both sides of the aisle on our committee, an initiative that we believed was most appropriate in following through on that.

In due course, colleagues in the House of Representatives, led by HENRY HYDE of Illinois and others, formulated a piece of legislation that was a strong piece of legislation, in our judgment. It was the hope of the President and the leadership of the Senate that we could all turn to, in unity with our colleagues in the House, and pass an AIDS bill prior to the President going to the G–8 to lay before the European states and Japan and others the full benefits that would come to the world if they were willing to sign up likewise and work with us and follow our leadership.

And in a very late night session, the Chair will recall, we did pass that legislation. The President promptly signed it in the early days of the following week, as soon as it reached his desk, and proceeded to Europe with that initiative. He proceeds to Africa with that initiative now.

It is very meaningful, as he visits in countries, even as we speak, that have a very high incidence of AIDS. It is important with the President in Africa on the ground speaking to this issue that we speak in one voice likewise. This is why I will propose to Senators that we in fact support the amendment.

I am advised my colleague from Pennsylvania would like to have a few minutes. I am prepared to yield to him. I have 20 minutes. How much time would the Senator desire?

Mr. SANTORUM. Two minutes.

Mr. LUGAR. I yield 3 minutes to my distinguished colleague from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to echo the chairman's comments that this body in a very late session, under his leadership and that of Senator BIDEN, was able to pass this historic measure providing the President the fodder he needed to go to Europe and the G–8 and make a pitch that the United States is behind trying to take on this scourge that has enveloped a continent, the subcontinent of Africa, and he was able to do that. As a result, he has been able to get the European Union to make a substantial commitment to participating in this project.

I don't know if it has been said yet, but not only did we believe it was necessary to provide the appropriate leverage for our comrades in Europe to participate, but it worked. It was successful. They have come to the table and we are grateful for that. I think Senator BINGAMAN's amendment, as the chairman suggested, is just further evidence of our commitment to funding.

My belief is we should come forward with the necessary funds. I don't necessarily agree with Senator BINGAMAN that we need to put $3 billion in the appropriations process in the pipeline right now. The commitment was $2 billion plus $1 billion in matching funds. The President said he would put up $200 million in good faith. So that puts us at $2.2 billion which is what I believe is the number that is necessary to meet the commitment the authorization requires. I don't think it is necessary for us to appropriate $1 billion without having the match in place for that $1 billion. I think we can always come back, as we are maybe even this week,

with supplementals throughout the course of the year to fulfill the commitment.

Our commitment in the Congress was $2 billion plus $1 billion if other countries match it. So we need to put in $2 billion. We have $1.9 billion, as the Senator from New Mexico said. So we are not that far off. But the President did say he would put $200 million forward, whether or not it is matched, as a good faith effort. And so I think to comport with that, we should do our best, within the appropriations process, to come up with $2.2 billion. But I think anything beyond that, candidly, is unnecessary, under the authorization is unnecessary. And I hope we do what is required and candidly sit back and wait and see what kind of commitments we will get from the rest of the world before we start ponying up real dollars in the appropriations process when those dollars are contingent upon other countries coming through with their contributions.

While I agree in principle with what the Senator from New Mexico said and will certainly support his amendment—I encourage Senators to support this amendment—I do so with the caveat that really full funding, under the understanding on this floor the night we passed it as well as the President's initiative, is, in my mind, $2.2 billion. And then we can go from there subsequently, depending upon the kind of support we get from other countries around the world.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes and 46 seconds remaining, and the Senator from Indiana has 10 minutes and 20 seconds.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator STABENOW be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Let me begin by thanking the Senator from Indiana for his willingness to support the amendment and urge others to. That is very important. It is important we pass this amendment by a large bipartisan vote. He indicated he believes the President is sincere in his commitment to provide this $15 billion over 5 years. I certainly agree. I believe the President is sincere as well. I believed that when he said it in his State of the Union speech. I still believe it.

Unfortunately, the fact we are faced with is we have authorized the $15 billion to be spent consistent with what the President asked for. But as we all know, there is a difference between what is authorized and what is appropriated. And the early indications are the appropriation may not be that generous or that robust.

That is the reason for my amendment.

The early indications I am referring to are the President's own budget request. In his request to the Congress, the President did not ask for $3 billion this first year. He asked for, perhaps in a most generous reading of his budget request, $1.9 billion; $200 million of which would be committed to this global AIDS fund. We had authorized $3 billion, $1 billion for the global AIDS fund, $2 billion on other bilateral programs and AIDS initiatives. All I am saying is, we need to step in and, as is appropriate under the Constitution, appropriate the funds the President is talking about in Africa, that we have authorized to be spent.

I believe that is the least we can do. This amendment is a sense of the Congress that we are committed to that when the appropriations bills come to the floor later this year. We will all have a chance at that point to look at those bills and see whether or not the funding is present.

If it is, fine; if it is not, we can add funding at that time before we complete action on those bills. I do not subscribe to the view that the President's commitment of $15 billion is contingent upon all sorts of other things. I think it is a commitment this country has made. I commend the President for it. I commend him for taking this trip to Africa. I know those countries have desperate needs for which that funding could be used. And this pandemic that we are seeing worldwide, but most particularly on the African Continent, is something that deserves our top priority. I urge my colleagues to join me in passing this sense-of-the-Congress amendment and then, of course, I will urge them to support following through when the appropriations bills actually come to the floor. That is when the real decision point comes. This is a great indication that the Senate is standing behind the President, behind its commitments, and that is exactly what we should do.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I yield back the remaining time that I have, and I commend the amendment to Senators. I hope there will be strong support.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill 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 ''yea''.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—78

Akaka	Daschle	Leahy
Alexander	Dayton	Levin
Baucus	DeWine	Lincoln
Bayh	Dodd	Lugar
Bennett	Dole	McCain
Biden	Domenici	McConnell
Bingaman	Dorgan	Mikulski
Boxer	Durbin	Murkowski
Breaux	Edwards	Murray
Brownback	Feingold	Nelson (FL)
Bunning	Feinstein	Nelson (NE)
Burns	Frist	Pryor
Byrd	Graham (SC)	Reed
Campbell	Hagel	Reid
Cantwell	Harkin	Roberts
Carper	Hatch	Rockefeller
Chafee	Hollings	Santorum
Chambliss	Inhofe	Sarbanes
Clinton	Inouye	Schumer
Cochran	Jeffords	Shelby
Coleman	Johnson	Smith
Collins	Kennedy	Specter
Conrad	Kohl	Stabenow
Corzine	Kyl	Voinovich
Craig	Landrieu	Warner
Crapo	Lautenberg	Wyden

NAYS—18

Allard	Fitzgerald	Sessions
Allen	Grassley	Snowe
Bond	Gregg	Stevens
Cornyn	Hutchison	Sununu
Ensign	Lott	Talent
Enzi	Nickles	Thomas

NOT VOTING—4

Graham (FL)	Lieberman
Kerry	Miller

The amendment (No. 1174) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1182, 1183, 1184, 1185, 1186, AND 1187, EN BLOC, TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, at this point I wish to send to the desk a packet of agreed-upon amendments and ask for their consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. LUGAR. These amendments include a chairman's amendment regarding Pakistani debt reduction; a chairman's amendment that will provide technical fixes of the State Department's Fellowship of Hope Program; an amendment by Senator FRIST to authorize the United States-Russian Interparliamentary Group; an amendment by Senator FRIST to authorize the United States-China Interparliamentary Group; an amendment by Senator WARNER to strike section 206 of the pending State Department authorization bill relating to security capital cost sharing; an amendment by Senator ENSIGN regarding the level of U.S. funding for the United Nations peacekeeping operations; an amendment by Senator VOINOVICH to require the Annual Report on Religious Freedom to include a section on anti-Semitism; an amendment by Senators

INOUYE and AKAKA to authorize additional appropriations for the Center for Cultural and Technical Interchange Between East and West.

I ask unanimous consent these amendments be agreed to en bloc.

Mr. REID. Reserving the right to object, Senator BIDEN is not on the floor. His staff has said Senator BIDEN has not had a chance to look all these over.

Mr. LUGAR. Very well, I will withdraw my motion. I will attempt to consult with the Senator.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, just as soon as the list has been reviewed more carefully by our distinguished ranking member, I am sure we will be in a position to work with the chair to accommodate his unanimous consent request.

We have a number of Senators who have been working with the managers. I think they may be in a position to offer their amendments with the understanding they would not require rollcall votes.

I know Senator DODD and Senator CLINTON and SCHUMER, at least, are in that position, maybe others.

I have just shared with the majority leader a list of amendments that may not be finite but is almost officially finite. We are hopeful we can continue to work with our managers in accommodating those Senators who wish to offer amendments but with a recognition that in most cases they will not require a good deal of time. In some cases they will not be offered at all.

We have only been on the bill for about a day—full—and we were reminded it has been since 1985, which was the last time we actually brought up successfully the State Department authorization bill.

We are very desirous of completing the work on all three pieces of it. We will continue to work with the distinguished majority leader and chair to figure out a way to accommodate the successful conclusion and consideration of the legislation. As I say, this list is not necessarily finite, but I do not expect it to grow. In fact, I think there are amendments on the list that will probably not be offered. So we will go from here.

In the meantime, perhaps, if we could dispose of the amendments that will not require rollcalls, we will expedite this process even more.

Mr. REID. Will the distinguished Senator yield for a question?

Mr. DASCHLE. Yes, I will be happy to.

Mr. REID. The Senator indicated we have spent basically a day, a half day yesterday and so far today, on the State Department authorization. All Democrats want to finish this bill. I think the leader would acknowledge that. We had our policy meeting today and our caucus luncheon Tuesday. I remind the leader—the majority leader is in the Chamber also—we spent 2 days this week on a bill that everyone knew, when it came up, was going nowhere. We all believe this bill is going somewhere—has the opportunity to go somewhere. I hope the two leaders would work to move it forward.

I know the Democratic leader feels that way. I think it would be a shame, for lack of a better description, after all the work we have done on this—as the Democratic leader has announced, we have a list that is a good list, nearly complete. We could complete this legislation. We can't complete it in a matter of hours, but I think we could complete it in a matter of a day or so.

Mr. DASCHLE. I will comment and then yield the floor. It was reported to me the last time we took up the bill in 1985 we took a couple of weeks to pass it. We certainly do not expect to spend a couple of weeks on the bill in this session of Congress. But I think it does, again, remind us that there are very important issues involving foreign policy, the State Department, and other issues—whether or not they are directly relevant to the State Department—that are meritorious and deserve consideration. I know of no one, on this side at least, who would require a good deal of time, an inordinate amount of time, for their amendment to be considered.

We will work with our Republican colleagues in the hope we can accommodate this list, expedite the consideration of the bill, and move to a successful conclusion.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I am very pleased that the Democratic leader agrees we can complete this very important piece of legislation. The fact it has been such a long time since we have carried out our real responsibility in this authorizing legislation, trying to do what we are doing in a very systematic, orderly way, rather than throwing it on appropriations which, in the past, historically, has been done, I hope reflects my intent and the intent of all of us working together to go about this in an orderly way, the way that is most appropriate.

We have a lot of work to do. We have made a lot of progress this week. We knew at the outset of the week we were setting out an ambitious agenda, in the sense that it is really what I believe our responsibility is to do. We tried not to rush things too much and consider amendments, some of which are not germane to the underlying bill. It is the right of every U.S. Senator to offer those. Those amendments have come from the other side of the aisle. I know every effort is being made to focus on the bill itself.

We will be in session today. We will be in session late tonight. We will be in session tomorrow. We will be in session, voting, tomorrow. My goal remains to be to finish this bill. We will do legislative appropriations. We can discuss when to do that that is most appropriate on both sides of the aisle. We are going to bring that to the floor. We can do it tonight. We can do it tomorrow. We can do it tomorrow afternoon.

My goal would be to be able to complete that bill and go to military construction as well. We can talk among ourselves.

The Democratic leader stressed the importance of getting amendments forward. We just talked through a list from the other side of the aisle. I just talked to Chairman LUGAR. We have really just two or three amendments. So for the first time we have sort of a finite list of amendments with which we can work. I ask that the chairman and ranking member do their very best to cull through the amendments. As the Democratic leader said, if they do not need a rollcall vote, let's try to work through this in an orderly way.

I do want our colleagues to know, for scheduling, just as I said last Monday, Tuesday, Wednesday, Thursday—today, I am saying it again, we are going to go through these next three bills. If we can complete this bill in a few hours, which the Democratic leadership said we cannot do—and I respect that if we really can't. I hope we could. Talking to Chairman LUGAR, he says he thinks we can. But if you believe it is absolutely impossible, then it may be that later tonight we will set this aside and we will begin the other two bills, which we will be addressing. We will be voting on them with rollcall votes. I will talk to Chairman STEVENS in a few minutes and see what he thinks is best, in terms of that overall schedule.

If there were any chance we could systematically go through this bill and complete the work—and again the chairman and ranking member have done a great job in terms of considering the whole range of amendments thus far, but if we can complete that bill and get started on legislative appropriations, and military construction, if we can do that tonight we wouldn't even have to vote tomorrow at all.

I know we just heard that is not going to be possible in terms of the range of amendments as we go forward. We are voting today, tonight, we will stay on this bill a while longer, and we can talk. If you believe we need to set it aside so we can go to the appropriations, we can come back to this as soon as we finish this appropriation.

The PRESIDING OFFICER. It is the Chair's understanding the chairman has sent to the desk a series of amendments which he wishes to be considered en bloc. Is that correct?

Mr. LUGAR. That is correct. I would like to amend my proposal to eliminate an amendment by Senator WARNER to strike section 206, and an amendment by Senator ENSIGN regarding the level of U.S. funding. I had listed eight of these. These two should be omitted from that list.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. No, I do not object.

Mr. REID. Mr. President, we on this side have worked with the ranking member of the committee, and we have a list of Democratic amendments we want to go in order.

I would like to announce those for the benefit of the Senate.

Mr. LUGAR. Mr. President, if the Senator would yield for just a moment, if I could complete the action with regard to the six amendments.

Mr. REID. I apologize. I thought that had been done.

Mr. LUGAR. Mr. President, I ask unanimous consent that those six amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 1136

(Purpose: To authorize Economic Support Fund assistance for Pakistan)

At the end of section 2123, add the following:

(d) ASSISTANCE FOR PAKISTAN.—

(1) IN GENERAL.—Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2004, $200,000,000 may be made available for assistance for Pakistan, of which up to $200,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan.

(2) TREATMENT OF CERTAIN ASSISTANCE.—The amount made available under paragraph (1) for the cost of modifying direct loans and guarantees shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(3) LIMITATION.—The authority provided by paragraph (1) shall be subject to the requirements of section 634A of the Foreign Assistance Act of 1961.

AMENDMENT NO. 1183

(Purpose: To grant the consent of Congress to the receipt by employees of a designated entity or designated country of salary and benefits from such entity or country while they serve in offices of profit or trust within the Department of State)

On page 31, between lines 23 and 24, insert the following:

''(c) For the purposes of the program authorized by subsection (a), Congress consents to employees of a designated country or designated entity continuing to receive payment of salary and benefits from such designated country or designated entity while they serve in offices of profit or trust within the Department of State.

AMENDMENT NO. 1184

(Purpose: To authorize a United States-Russia Interparliamentary Group)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the ''United States group'' of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

AMENDMENT NO. 1185

(Purpose: To authorize a United States-China Interparliamentary Group)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the ''United States group'' of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

AMENDMENT NO. 1186

(Purpose: To require the Annual Report on International Religious Freedom to include a section on anti-Semitism)

On page 94, between lines 17 and 18, insert the following new section:

SEC. 815. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

''(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

''(i) acts of anti-Semitic violence that occurred in that country;

''(ii) the response of the government of that country to such acts of violence;

''(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

''(iv) societal attitudes in that country toward people of the Jewish faith; and

''(v) trends relating to such attitudes in that country.''.

AMENDMENT NO. 1187

(Purpose: To authorize certain additional appropriations for the Center for Cultural and Technical Interchange Between East and West)

At the appropriate place, insert the following:

SEC. . AUTHORIZATION FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Of the amounts authorized in this Act under Section 102 for United States Educational, Cultural, and Public Diplomacy Programs up to $4 million is authorized to be appropriated, in addition to such funds authorized under Section 102(a)(3), in support of the Center for Cultural and Technical Interchange Between East and West.

AMENDMENT NOS. 1184 AND 1185

Mr. FRIST. Mr. President, I have two amendments to establish legislative exchange programs on behalf of the United States Senate.

These two amendments will authorize funds necessary to create formalized, cooperative relationships between the U.S. Senate and the Federation Council, the upper house of the Russian Parliament, as well as between the United States and the National People's Congress of the People's Republican of China.

The genesis of these initiatives is the hard work and deep interest that two of our colleagues have shown in pursing a deeper relationship with our counterparts in those two bodies.

Senator LOTT, during a visit to Russian 2 years ago, began a very fruitful dialogue with members of the Federation Council that has continued at many levels since. I myself had the opportunity earlier this year to meet with the Mr. Mikhail Margelov, Chairman of the Foreign Relations Committee of the Federation Council, Senator LUGAR'S counterpart, and I look forward to playing host this fall to my counterpart, Mr. Sergei Mironov, the Chairman of the Federation Council. At that time it is our joint intention to sign a memorandum of agreement that will formalize a regularized relationship between our two legislative bodies.

U.S.-Russian relations are at a point today that would have been unimaginable even a decade ago. We are joined in a growing exchange of trade and investment, the open travel of tourists and the business community, and cooperation on the central threat facing our two nations—the scourge of global terrorism. We have our disagreements, but for the most part these are the normal disagreements that exist between any friendly nations. It is my firm belief that as part of our relationship with Russia, we should establish an institutional relationship with our counterparts in the Federation Council to examine our mutual interests and craft solutions that reflect our shared interests.

In the case of the National People's Congress of the People's Republic of China, I would like to credit Senator TED STEVENS for his initiative in pursuing a more regularized relationship. It is my intention to invite my counterpart, Mr. Wu Bangguo, the Chairman of the National People's Congress, to visit the United States later this year or early next year.

As an aside, I have the privilege to lead a delegation of eight Senators to China earlier this year. This delegation was hosted by Chairman Wu during our 3-day stay. He was a gracious host and provided us with an outstanding schedule of appointments during our stay. But beyond this, we also had very candid and complete conversations about the challenge and opportunities in the U.S.-China relationship. I will not suggest that there are not problems, but it was remarkable how openly Chairman Wu was willing to discuss these issues in an attempt to understand our perspective, if not find common ground.

I detect on both sides an optimism about U.S.-Chinese relations that has not existed in well over a decade. By deepening our relationship with the National People's Congress, I am confident we can fortify that optimism and create real potential to solve some of the problems that have plagued our relationship in the past.

I urge immediate adoption of these two amendments.

AMENDMENT NO. 1186

Mr. VOINOVICH. I rise today to introduce an amendment that would require the State Department to include in its annual report on international religious freedom a section highlighting the issue of anti-Semitism abroad.

As many of my colleagues are aware, we have seen a disturbing trend in the increase of anti-Semitic violence abroad, with growing reports of incidents in countries that have traditionally been among Europe's strongest democracies, including France and Germany. I remain deeply concerned with these reports, and I believe it is absolutely essential that we do all that we can to take action to combat this problem, both at home and overseas.

Last month, former New York City Mayor Rudy Giuliani led the U.S. Delegation to the first conference of the Organization for Security and Cooperation in Europe, OSCE, dedicated solely to the issue of anti-Semitism. The conference took place in Vienna, Austria, during the period of June 19–20, 2003, bringing together parliamentarians, officials, and private citizens from all 55 OSCE participating states.

As a member of the Helsinki Commission, I strongly encouraged the State Department to make this conference a priority of the U.S. government. Last October, a number of my colleagues joined me in a letter to Secretary of State Colin Powell urging him to call on the OSCE to schedule this meeting. With the support of Secretary Powell, Undersecretary of State Marc Grossman, and our Ambassador to the OSCE, Stephan Minikes, I was very pleased that the chair-in-office of the OSCE did in fact agree to put this meeting on the calendar. It is an important step in the right direction.

Work to highlight this alarming trend began in earnest last year. In May 2002, the Helsinki Commission conducted a hearing to examine reports of increased anti-Semitism. During that hearing, I called on the Organization for Security and Cooperation in Europe, OSCE, to conduct a separate session on anti-Semitism during the annual meeting of the OSCE Parliamentary Assembly in Berlin last July. I was pleased that this did, in fact, take place. Delegates to the meeting unanimously passed a resolution calling attention to the danger of anti-Semitism, which I cosponsored. The conference held last month was a product of much of the work done during the past year.

As we discuss the need to address this issue, I could not agree more with a statement made by Mayor Giuliani just before he left for the Vienna conference, in which he remarked, ''The conference represents a critical first step for Europeans, who have too frequently dismissed anti-Semitic violence as routine assaults and vandalism. Anti-Semitism is anything but routine. When people attack Jews, vandalize their graves, characterize them in inhumane ways, and make salacious statements in parliaments or to the press, they are attacking the defining values of our societies and our international institutions.''

While we are headed down the right path, it is critical that we take action to follow up on the successful beginning found at the conference in Vienna. This amendment aims to ensure that the U.S. Government pays close attention to the issue of anti-Semitism internationally, with the hope that it will encourage our friends, allies, and partners abroad to do the same. The amendment requires the inclusion of the following information on the subject of anti-Semitism for each foreign country: acts of anti-Semitic violence that occurred in that country; the response of the government of that country to such acts of violence; actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith; societal attitudes in that country toward people of the Jewish faith; and trends relating to such attitudes in that country.

The promotion of human rights worldwide is a central aspect of U.S. foreign policy, and consistent with this goal, the Senate has acted to condemn anti-Semitism abroad. I believe this amendment is a necessary step as we look to combat anti-Semitism at home and abroad.

I urge my colleagues to join me in support of this amendment.

Mr. LUGAR. I thank the Chair. I thank the Senator.

Mr. REID. Mr. President, the amendments offered on this side are amendments by Senator BIDEN, Senator SCHUMER, Senator KENNEDY, Senator STABENOW, Senator DORGAN, Senator HARKIN, and Senator DODD, in that order. So everyone understands—we have a lot of people shuffling around—that will be the order of amendments by Democratic Senators.

It is Clinton and Schumer. I apologize for that.

The PRESIDING OFFICER. The Senator from Delaware sought recognition.

Mr. BIDEN. I yield. Apparently the Senator from New York has a question.

Mr. SCHUMER. Mr. President, the amendment Senator REID mentioned after Senator BIDEN's amendment is a different amendment. Senator CLINTON and I have an amendment. Those two amendments we will do en bloc. We would not have a vote. The majority and minority have agreed. It affects matters in New York City. We would like to do those very quickly before we begin this order, if I may ask that we do that.

Mr. REID. Following the Biden amendment?

Mr. SCHUMER. One minute.

Mr. REID. Right now?

Mr. SCHUMER. Two minutes of debate right now.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. SCHUMER. Will the Senator yield?

Mr. BIDEN. Yes. I am happy to yield, not that I have the floor.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the pending amendments be set aside and that I call up amendment No. 1142 and another amendment at the desk by Senator SCHUMER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 1142 AND 1188 TO AMENDMENT NO. 1136

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 1142 and an amendment numbered 1188 to amendment No. 1136.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1142

(Purpose: To increase the authorization of appropriations for protection of foreign missions and officials for fiscal year 2004, and to make an authorization of appropriations for expenses related to such protection that were incurred prior to October 1, 2003)

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.

AMENDMENT NO. 1188

(Purpose: To impose an economic sanction on foreign countries that owe property taxes to Washington, D.C. or New York City)

At the appropriate place, insert the following new section:

SEC. ___. PENALTY FOR UNPAID PROPERTY TAXES.

(a) IN GENERAL.—Subject to subsection (b), an amount equal to 110 percent of the total amount of unpaid property taxes owed by a foreign country to the District of Columbia and New York, New York as reported by the District of Columbia and New York, New York, respectively, shall be withheld from obligation for such country from funds that are—

(1) appropriated pursuant to an authorization of appropriations in this Act; and

(2) made available for such foreign country under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a)(2)

shall be paid to the District of Columbia or New York, New York, as appropriate, to satisfy any judgment for unpaid property taxes against such foreign country.

(c) CERTIFICATION.—The withholding of funds under subsection (a) shall apply with respect to a foreign country until the Secretary of State certifies to the designated congressional committees that the total unpaid property taxes owed by such country have been paid in full.

(d) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ''designated congressional committees'' means the Committees of Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) JUDGMENT.—The term ''judgment'' means a judgment, order, or decree, including a judgment rendered by default or nonappearance of a party, entered in favor of the District of Columbia or New York, New York in a court of the United States or any State or subdivision thereof, arising from a proceeding regarding unpaid property taxes.

(3) UNPAID PROPERTY TAXES.—The term ''unpaid property taxes'' means the amount of the unpaid taxes, and interest on such taxes, that have accrued on real property under applicable laws.

Mrs. CLINTON. Mr. President, the U.S. State Department is legally obligated to provide security protection for the United Nations and its missions. Under a longstanding arrangement, the City of New York has provided this police security for the United Nations and its missions, and then it has been reimbursed by the State Department.

Long ago, the State Department decided the best way to do this was to have the city provide the service and then provide a reimbursement.

Since September 11, the security needs of the United Nations have increased to about $18.5 million annually in New York alone. Then there have been additional events, such as the U.N. General Assembly and the Millennium Summit alone cost almost $20 million. Thus, the authorization for the program entitled ''Protection of Foreign Missions and Officials'' must be increased so that the City of New York can receive adequate reimbursement.

I thank the chairman for his understanding and his cooperation in making this possible. I thank the ranking member as well.

This program has been authorized at $10 million over the last several years. It will provide reimbursement not only for New York but also Los Angeles and Chicago. The annual figure will be increased $21 million to cover all three cities' expenses; plus an authorization of $55.9 million is included to reimburse the cities for back claims accumulated over the last several years.

I thank the chairman and the ranking member for accepting this amendment.

I would like to yield to my colleague, Senator SCHUMER, on a second amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Mr. President. I thank the chairman and ranking member for their courtesy.

We have two amendments. Senator CLINTON has explained the first one. That deals with reimbursement for police expenses. We always had that in New York City. This simply raises the amount, given the 9/11 situation.

The second amendment is a little different. It very simply says that diplomatic scofflaws have to pay their property taxes. We have a whole lot of missions in New York. A handful of them don't pay their property taxes.

This amendment is very simple. When they don't pay their property taxes, this gives authorization for them to be taken from their foreign aid. It is only fair. It is only right.

We did this for parking tickets a few years ago. It was very successful. We want to do it for property taxes.

It is mind-boggling to know, but there is $214 million in outstanding property taxes from these missions. This amendment will go a long way to collecting it.

I ask unanimous consent that both amendments be agreed to by voice vote.

The PRESIDING OFFICER. The Senator's request is not in order. Does the Senator request unanimous consent that the amendments be agreed to?

Mr. SCHUMER. I ask unanimous consent that both amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1142 and 1188) were agreed to.

Mr. BIDEN. Mr. President, I suggest that we move out of order to Senator DODD. The chairman and I have accepted a modified Dodd amendment. Rather than have him wait all this time, I would like to suggest he be recognized to speak and that we move on his amendment.

AMENDMENT NO. 1189 TO AMENDMENT NO. 1136

Mr. DODD. 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 Connecticut [Mr. DODD] proposes an amendment numbered 1189.

Mr. DODD. 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 prohibit MCA monies from being used to fund projects that could displace US jobs or production, or pose an environmental hazard)

On page 247, strike the period at the end of Section 3102(a) and add the following:

'', except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(i) cause the substantial loss of US jobs, or the displacement of US production, or

(ii) pose an unreasonable or major environmental, health or safety hazard.''

Mr. DODD. Mr. President, this amendment reflects the language and my discussion with the chairman of the committee which adds the word ''substantial'' to the first paragraph of the first (i) clause—the substantial loss of U.S. jobs. And the rest of the amendment will read as it is presently printed.

Let me, first of all, thank the distinguished chairman and ranking member for allowing me to offer this amendment and for accepting it. This language conforms to existing law with the Overseas Private Investment Corporation, the Export-Import Bank, and other foreign aid programs and takes into consideration job loss on environmental issues.

I think it fits into the Millennium Account category. I am a strong supporter of the Millennium Account. I thank the chairman and others who have been involved. I think it will be a wonderful opportunity for us to provide education and needed assistance to others around the world.

This amendment would add a proviso to Division C of the bill—Millennium Challenge Assistance—to ensure that Millennium Challenge monies authorized in this legislation do no inadvertently fund projects that result in the loss of American jobs, or the transfer of U.S. production facilities abroad, or pose a threat to public health or the environment.

Why is this amendment necessary? Aren't U.S. foreign assistance laws already on the books that prevent U.S. foreign aid monies from being used in ways that can hurt American families or damage the environment? The answer is yes such laws exist but the bill before us today would exempt the Millennium Challenge Corporation set up in Division C of this bill from this and other restrictions currently in law.

The Millennium Challenge Account has been provided with substantial resources in this bill—more than $8 billion over three years with virtually no legislative strings attached.

Clearly there was a rationale for giving the corporation flexibility to try a new approach to helping countries help themselves climb the development ladder. I am certainly willing to give this ''experiment'' a chance to see if it produces better results than our normal foreign assistance programs.

Having said that, none of us in this body would support the use of American taxpayer dollars being used to displace American jobs or U.S. production or to pose an environmental or health hazard.

There is also ample legislative history to suggest that restrictions of this kind are not unduly burdensome.

USAID programs are already subject to somewhat similar restrictions as are U.S. Export/Import Bank and OPIC programs. None of these organizations have alleged that these restrictions impair their ability to carry out their activities.

Opponents of this amendment suggest that this provision is unnecessarily restrictive and difficult to implement. I find that rather hard to accept. We clearly know that there are a number of sectors in this country that are particularly sensitive to foreign competition—steel, textiles to name a few. Over the last three years more than 2.3 million American manufacturing jobs have been lost. We must not unknowingly make matters worse by providing ill conceived subsidies to foreign competitors.

My colleagues I am sure know that there is a U.S. government entity—the International Trade Commission—which is charged with monitoring the impact that foreign production is having on U.S. industries and jobs in this country.

Clearly there are enormous U.S. resources and information that will be readily available to the corporation to ensure that U.S. taxpayer dollars aren't being used to, in effective, subsidize the export of American jobs and production. So I don't accept the argument that this amendment is too difficult or draconian for the corporation to implement.

Is this amendment more difficult to implement than a provision already in this bill which requires the corporation to make the judgement that a particular government is ''committed to just and democratic governance'' in order for it to be eligible for assistance from the Millennium Challenge Account? I don't believe it is.

There is no reason to believe that the corporation should find this restriction any more burdensome.

Frankly, I would think that the Administration would welcome this amendment because it will sensitize officials of the corporation that they must always be mindful that nothing that the corporation undertakes or supports should be injurious to American workers—the folks footing the bill for this experimental approach to helping poor countries lift themselves out of poverty.

Some may argue that this provision is unnecessary, that the members of the corporation will be too smart to ever do anything to hurt U.S. workers or production.

I would say to my colleagues that the conditions that currently exist in law with respect to this matter came about because U.S. agencies frankly weren't paying attention to the domestic effects because that wasn't in their ''job descriptions''.

Moreover, the surest way for support to be eroded for the MCA is for it to become known that in its zeal to help MCA eligible countries, it has ignored the negative implications that ill conceived projects could have on American workers and production facilities. With this statutory red flag, it is less likely that such mistakes will be made.

I urge my colleagues to support this amendment.

Let me lastly say, aside from this particular amendment, how deeply proud I am of the chairman and the ranking member. When I was a member of committee, I think I had a full head of black hair the last time we had a State Department authorization bill on the floor of the Senate.

This is not an accident. The last time we were on the floor and it was brought up, the Senator from Indiana was chairing the committee. I am proud to be a member of this committee and proud to be affiliated and associated with the two distinguished Senators, the chairman and the ranking member. They do a fabulous job on this committee.

I hope we get this bill finished. This is important, not only for what it includes but also the statement it makes about how important we consider the role of the State Department, the aid programs which we administer, and the assistance provided to people all over the globe.

My compliments to the chairman and the ranking member for a job tremendously well done.

Mr. LUGAR. Mr. President, I thank the Senator for his generous comments. I thank him for his amendment and for his cooperation in working to strengthen the MCA, and likewise at the same time indicate our concern about loss of jobs in this country and the environmental damage by the modifiers of ''substantial loss of U.S. jobs,'' and the language already, ''unreasonable or major environmental health, or safety hazard.''

The Senator has made a very good contribution.

Mr. BIDEN. Mr. President, I, too, thank the Senator from Connecticut for his kind comments. As they say, he uses overly formal language. He is a valued member of their committee. He is more than that. He is more than that. He is one of the engines of the committee. I thank him for his comments. I respect and reflect his comments relative to the chairman.

This is an important bill. As my grandfather used to say: With the grace of God, the good will of the neighbors, and the creek not rising, we may get this finished.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. DODD. Mr. President, I think we have to ask unanimous consent that the Dodd amendment be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1189) was agreed to.

Mr. DODD. I thank the chairman.

AMENDMENT NO. 1190 TO AMENDMENT NO. 1136

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. LEVIN, and Mr. DASCHLE, proposes an amendment numbered 1190.

Mr. BIDEN. 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:

At the appropriate place insert:

SEC. . In appreciation of our armed forces and regarding restoring stability and security in Iraq.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States Armed Forces, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks;

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis and these efforts are further complicated by the absence of effective communication with the Iraqi people;

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities;

(4) Approximately 145,000 U.S. troops are currently deployed in Iraq, meaning that American troops comprise roughly 90% of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85% of Coalition forces;

(5) Maintaining the existing force level in Iraq currently requires $3.9 billion each month;

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers;

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal police functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist and jointly patrol with the existing Iraqi police force;

(8) President Bush has noted that ''The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking,'' and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States;

(9) Secretary Rumsfeld testified that ''We certainly want assistance from NATO and from NATO countries'' and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops; and

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) It is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government.

(2) The President should request formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq.

(3) The President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

Mr. BIDEN. Mr. President, I thank my friend from Indiana for his tolerance. I don't usually send to the desk, in the 30-plus years I have been here, sense-of-the-Senate resolutions. But this is a sense-of-the-Congress resolution. I don't send those, either. But I want to explain, before I explain what this resolution does, why I am doing this.

I am of the view—and I am not suggesting the chairman shares my view, or anyone else does—that the President's attitude as to how to proceed on Iraq from this moment on is in play and being influenced by two very important elements of his administration. I am of the view, speaking for myself, that Mr. CHENEY and Mr. Rumsfeld, and others in the administration—who are referred to, not in a negative sense but straightforwardly, as the so-called neoconservatives of the administration in foreign policy—are importuning the President on one course of action.

I am of the view that the Secretary of State—and I do not speak for the Secretary of State; I do not suggest he has represented to me what I am about to say—but I believe the Secretary of State and a lot of the uniformed military are suggesting the President take another course of action, not drastically different but different relative to the issue of post-Saddam Iraq: How do we win the peace?

So it is my hope and my view that this is an appropriate place for the Senate to weigh in on what I believe to be an ongoing debate. I know it is an ongoing debate within the administration on a matter on which I do not believe the President has fully made up his mind. That is not a criticism. That is not meant to be a criticism. It is an observation because a lot of these issues are in play.

Let me illustrate what I mean by that.

The President bought on to a position proffered by the Secretary of Defense, prior to us going into Iraq, that in a post-Saddam Iraq we would have a general, named Garner, who would move in, and along with General Franks, he, General Garner, would put together the political, economic, and reconstructive pieces of this; that he would set up an Iraqi Government very quickly; that there would be in place an infrastructure of a bureaucracy; a significant element of an army that had been beheaded of the Baathist Party elements; and that a police force would be up and standing, once you took out the Baathist elements; and there would be something to work with.

Well, we held hearings, as did my friend, Senator KENNEDY, in the Armed Services Committee, and that was not what the experts told us prior to us going into Iraq. But that is what Mr. Rumsfeld, and others, convinced the President would be the case. So right afterwards, Mr. Chalabi landed in southern Iraq. General Garner was in there shortly after that. We started down a course that was based upon that recommendation. It became obvious, almost instantly, that it was not a very well-thought-out or likely-to-succeed initiative. So what happened?

The President, importuned again by others in his administration, immediately corrected course, I think correctly so, and to his credit. He very shortly pulled out General Garner. He came along and put in an ambassador named Bremer, who is a first-class guy, put in a different team, brought in public information officers from the military, and did other things which literally changed the course that was planned.

Now look, again, not a criticism. I am complimenting the President because he realized the first course set out was not likely to succeed and he changed course. That is what good leaders do when faced with an object in their way that is not able to be surmounted by the game plan they have in place.

If anybody thinks I am exaggerating this, remember what Ambassador Bremer had to say: We are not going to hold elections right away. We are not going to move forward and set up an Iraqi Government. We are not going to have Mr. Chalabi running the show, et cetera. I happen to think these were correct decisions.

My point is, the President saw the unlikely prospects of the first course of action succeeding and he changed course. That is good.

Now, there are other things that are now in play—in my view, if he does not change course, we are going to reap the whirlwind in Iraq. We are starting from an incredibly difficult situation. I said in Iraq, when we were last there with the chairman, Senator LUGAR—and have said since—that if the Lord Almighty came down and stood in the well of the Senate and said: ''I have told the President the right answers to the next 15 decisions he has to make on Iraq''—we would still only have a 65- or 70-percent chance of getting it right in Iraq because there are another 30 decisions to follow.

This is a complicated problem. This is a country that really isn't a country. This is not a country in a way most Americans think of it. This is the idea of the Brits. After 1919, they put together three desperate elements—two Arab, one Indo-European—into the borders that now constitute Iraq, in a circumstance that is difficult, at best, to make work. The only way it has worked, quote, unquote and been held together since then, is with either an outside power or an authoritarian ruler.

So what are we doing now? The President is saying he wants to establish a democracy there. I, quite frankly, think that is a bridge too far. If we establish a participatory government that is a republic, that takes into consideration in its constitution each of the major elements of that country, in a way that gives them representation but falls short of a liberal democracy, I will be happy. I will be happy. I will consider that a success.

So the point I am making is, this is very difficult.

What are the immediate obstacles we are facing now? I do not have to tell anybody in this Chamber. All my colleagues are well-informed women and men. The first obstacle is, it has proven to be incredibly difficult to stand up the infrastructure of Iraq.

We were there. We did a press conference. I think it was literally about 120 degrees. At another press conference there, it was 114 degrees. That I know for certain. My point is, it is hot there. Guess what. Failure to have refrigeration, failure to have lighting, failure to have air-conditioning ''ain't'' like failing to have it even on a steamy day in Washington.

What happens when it gets to be 95 degrees in Washington, DC, or Wilmington, DE? We send out social service agencies to go out to every area we know of, or people with meals on wheels, to make sure their windows are up and their air-conditioning working, because people die.

I want to put this issue in perspective. Not having air-conditioning, not having lighting, not having electricity in a country where it is not unusual to have 125 degree temperature for a long stretch of time is more than an inconvenience.

Now, we are doing everything possible. The Corps of Engineers is in there. We have private contractors in there. We have let contracts, even contracts I have criticized. Bechtel gets a contract without even a bid. But the point is, we are moving as fast as we can.

But we have a second problem. The second problem is: the expectations of the Iraqi people. They think we are the Second Coming. They cannot believe that we, the United States of America, within roughly 4 weeks were able to topple this guy they thought was invincible.

We were able to take this several-hundred-thousand-person army and decimate it and have it evaporate, to take the thought-to-be-12-foot-tall Republican Guard, and vanquish it. What do they think? They think we can do anything. So they don't believe now, many of them, that their failure to have these amenities is because we can't get it done quickly enough. They believe we don't want to do it because if we did, we could snap our fingers. We are the United States.

There is a third piece here. They don't understand because we are not broadcasting it, in my view, sufficiently well, that when we do stand up

a power grid, the Iraqis, whether it is the fedayeen, whether it is the left over remnants of the Baathist Party, whether it is the Sunni in the so-called Sunni triangle, whether it is the Shia who are angry—whoever it is—they don't understand that Iraqis are blowing up the grids. We get it done; they go blow it up guerrilla warfare style—blowing up the oil fields, the pipelines. So what do we do about that? That is our first big problem, a perception and a reality of not sufficiently quick movement.

There is a second big problem we have, among many others, although I am sure the chairman would rather I not be bringing up this sense of the Senate. I will not state where I know he and I agree, and you should not imply we agree; you should not infer from what I say that we agree on this. Many people believe, on both sides of the aisle, that we have to internationalize this effort from the standpoint of the military.

There are two reasons for that. People like me believe we don't have enough firepower there because this is a big country. Let me overstate the point. Let's assume we had 250,000 people there instead of 140,000. We don't have the ability to do that, practically speaking. We would be able to guard more pipelines. We would be able to guard more electric grids. We would be able to have a better chance.

I am not proposing we add American forces. I am proposing we call upon our NATO allies and the coalition of the willing in earnest to provide significant increases in the number of forces we have, allowing us in the near term to draw down some of our forces. We have 10 divisions. Seven of them are tied down in Afghanistan, Iraq, Bosnia and Kosovo. We only have three divisions left.

It seems to me—speaking for myself, but I am confident I speak for a significant number of Republicans and Democrats—this is the time to, as they used to say when my sons were younger, ''get over it.'' Ask NATO. Ask them: Please, come help. Make this a NATO operation with a U.S. commander with a U.S. helmet, with us in charge, but get more firepower in there.

There is a debate about that. Mr. Rumsfeld is saying: We don't need any more. We were over in Iraq. Without identifying their ranks, a number of officers with whom I met—and I suspect the chairman and Senator HAGEL and the delegation from the Armed Services Committee that went over had similar experiences—all thought, we have to change the board here. And the rumors were rife, including on an Air National Guard plane that took us into Iraq that happened to be the Delaware Air National Guard.

Those guys were saying: The rumors are, we are going to get down to 30,000 forces over here by January.

That is foolish. That is absolutely beyond comprehension unless we are saying we are just pulling out; we are just giving up on what we say our objectives were.

I found fascinating—it is almost on point—Secretary Rumsfeld's testimony yesterday about the number of troops needed and whether or not NATO has been asked to participate. Again, I defer to my friend from Massachusetts who was at that hearing. I wasn't at the hearing. But this is actually a news report of it:

When first asked whether the administration had asked France and Germany, whose leaders vigorously opposed the invasion of Iraq, to contribute to postwar peacekeeping, Rumsfeld said, ''I'll have to ask.'' After checking during the break in the hearing, he said that they been asked at least once, last December, which was before the French and German opposition to the war became a major disruption in transatlantic relations. And when asked if a request had been made since then, he said, ''I have no idea.''

This is the Secretary of Defense.

''I'd be happy to run around and try to find out the answer to that.''

As they say in my neighborhood: Give me a break. The Secretary of Defense doesn't know whether or not on his watch, NATO, the French, the Germans have been asked to contribute.

On the same trip only 10 days ago or thereabouts, we started off at a conference, appropriately, at the Dead Sea in Jordan. It was sponsored by the World Economic Forum. I met with a guy we all know well, a guy who has been my friend and acquaintance for almost 20 years, the head of NATO, the Secretary General, Lord Robertson. I pulled him aside. I said: Let me ask you a question: Has NATO been asked to make a significant contribution, other than providing logistical support for the Polish forces going in? Would they go in?

He said: Joe, you have to ask.

Here is the Secretary of Defense who says he doesn't know whether we have asked NATO. And the Secretary General of NATO is saying: You have to ask.

What happens if I ask, George?

He said: They will go.

So the reason I give you that background is, the President, I am confident, is being told by some in his administration: Don't ask the French and don't ask the Germans. They weren't with us in the first place. Don't ask.

I am confident some are further saying: Don't make this a NATO operation. With us, remember, we run the show in NATO, in practical terms and, on the ground, in specific terms.

I am also positive there are other high-ranking administration officials saying: Ask. Ask. Get NATO involved.

So why am I doing this sense of the Congress? I want Congress to go on record weighing in on the side of the administration and saying: Ask.

Is the President still in play? To the best of my knowledge—and I am not a confidant of the President, although he is kind enough to speak to me whenever I ask to speak to him, and occasionally he asks to speak to me when I don't ask—it is my impression that the President is in play on this. He has not made up his mind, in my view—maybe he has—which course to take. I think it is a profoundly important decision he has to make, not only in terms of relieving pressure on American military fighting women and men and providing additional military capacity, but for a second reason. I know my friend agrees with this because he and I started talking about it separately and collectively back in September of last year: It makes a difference whether we are viewed as occupiers or liberators, whether we are the only guys in town. It is kind of hard for extremists to make the case in the Arab world that we are occupiers if there is truly a genuine multinational force headed by Americans as opposed to an American force with a few multinational people helping out.

Remember, we were told that 40 nations were a part of this war effort. Well, maybe a couple sent observers, but there were really only four nations involved—England, Australia, the U.S., and Poland. There were another 36 or so nations that said they supported us, and if they allowed an overflight of American forces, then they were part of the war effort.

That is not what I am looking for. I want, when Iraqis go down the street, to see not just an American soldier at the checkpoint. This is going to sound tough and maybe even unfair, but I don't want every kid that is blown up at a checkpoint being an American soldier. This is the world's problem, not just ours. I want to give the French—as mad as the administration might be at them—the honor and the opportunity to do the same thing as our young men do. I said before this war began—and I supported this war and I voted for it and I helped shape the resolution that allowed it—if we did not internationalize this rapidly, somewhere between 2 and 10 body bags a week would come home for the indefinite future. Unfortunately, it is one of the prophesies I made on this floor and in other places that I wish had never turned out to be correct.

The fact is, we will get a lot more support from the Iraqis who will be a lot less suspect of us if we are not the only game in town. That is the second reason to internationalize.

There is a third piece of this resolution that says it is in the national interest of the United States to remain engaged in Iraq in order to assure a peaceful, stable, and unified Iraq with a representative government.

Look folks, I believe the President has been missing in action in explaining to the American people why it is important that we stay in Iraq. He needs to go on national television just as definitively as he did in making the case to go into Iraq, and explain why it is critically important that we stay in Iraq until it is stable, unified, and has

a representative government. The President must explain that to the American people.

The reason he must is the fear that a number of our military had in Qatar when I visited them with Senator HAGEL in November or December before the war. We had over 100 generals in one room. When I was asked by General Franks if I would speak to them, I asked why. He said just answer their questions. They wanted to know whether or not the American public would be supporting them—not during the war or immediately in the aftermath, but whether they would stick with them in the long haul. These are smart men and women. They knew they were going to be locked down there for a long time.

My answer to them then was very straightforward. I said the one thing I hope we have all learned from the Vietnam experience—whether you were for or against the war and you went to Canada—there is only one thing I know everybody agrees on: a foreign policy, no matter how well thought out, will not and cannot be sustained without the informed consent of the American people before it is initiated. There has been no informed consent. By ''informed,'' I mean the people are not even, to this moment, being told what the administration knows to be true: One, we are going to be there for a long time. We are going to be there with tens of thousands of troops for a long time. Johnny and Jane are not going to come marching home from Iraq any time soon. That is not a criticism on my part, that is the reality. We knew that before we went in. But we did not tell the American people.

The second thing the American people have not been told since the war ended is why it is important to stay in Iraq. I am assuming the reason the President won't go on television and say that is because, if he does, he has to say, prior to that, that we are going to stay in Iraq and have a lot of people stay in Iraq. The chairman called a hearing just after the war. We had expert testimony from the White House that said it costs $2 billion a month to maintain troops there. We had a second hearing and they said it is going to cost $3 billion a month. This is a matter of a week.

At the third hearing, yesterday, they said $3.9 billion. I have been agreeing with the chairman that we should hold more hearings, but I am not sure we should because it may go up to $5 billion. I am not sure I want to hear the answer.

But the truth is that the American people still think Iraqi oil revenues are going to pay for this. Not a shot. Not a shot. When we were in Iraq, we met with a first-rate oil man who was picked by the administration to come over and handle the oil interests of Iraq for the Iraqi people and to get it up and running. He sat with us in the only air-conditioned room I am aware of in probably all of Baghdad. By the way, our people don't work in air-conditioning either. He said: Look, if everything goes well and things don't get sabotaged, Iraq may generate $5 billion worth of profit—in effect, revenues—in 2003. Next year, if everything goes swimmingly well, that number will be $14 billion. Hear that? From now through the whole next calendar year, the next year and a half, there may be, if all goes well, about $19 billion in revenue to reconstruct Iraq. It is going to cost us almost $4 billion a month just to keep American forces in Iraq at the present levels.

I have heard administration witnesses before us. The last administration witness before the Foreign Relations Committee got his skin ripped off by our good friend Senator HAGEL when asked how many folks are going to be needed. He said, ''I have no idea.'' No idea? Everybody has an idea. The idea is that General Shinseki was a heck of a lot smarter than Secretary Rumsfeld and a heck of a lot closer to what the number is likely to be. So at $4 billion a month, we are going to be spending about $70 or $80 billion in the next year and a half just to keep American troops there. Just putting this into perspective, there will be—maybe—$19 billion worth of Iraqi oil reserves in that period.

By the way, we are not going to spend a penny of that to maintain American forces. That is the Iraqi people's money the President said, and rightly so. The World Bank is coming in, and others, to give an estimate of the cost of reconstructing Iraq. But I would bet my life it is going to be more than $19 billion.

Again, why do I mention this? The President has to come forward because I do not want to be on this floor and be one of only several people, along with the chairman and others, who continue to vote whatever is needed to get the job done with my constituents back home saying: What are you doing that for? Why aren't you putting more money in education? Why aren't you putting more money in tax cuts? Why aren't you putting more money in taking care of my roads? Why aren't you putting more money in—whatever. Because the President does not have the political vision and the willingness to go before the American people and say straightforwardly: This is going to cost us tens of billions of dollars beyond what we are spending now. It is going to take tens of thousands of forces, which I support. This is not a cry to pull forces out. It is a cry to say: Please, Mr. President, level with the American people.

The third part of this resolution—I won't go on much longer and I note this is the only time I have spoken on this bill—is also a sense of the Congress:

The President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

There are two pieces I have not spoken to yet. I think there is continuing debate within the administration and I would like the Congress to weigh in to try to persuade the President the right way and to reject the suggestions being made by those who have been operating the policy in post-conflict Iraq so far. I do not mean the people in Iraq, I mean here in Washington.

We sat out at a police training academy. I think I have made a dozen visits over 10 years to Bosnia and Kosovo. I believe I have spent more time in those two countries before, during, and after those wars than any Member of Congress. I could be wrong, but I think I have. My son, who is at the Justice Department, got sent over to Bosnia to be the Justice Department coordinator in a Republican administration, not by me, and over to Kosovo to help them set up a criminal justice system and a police force.

We have learned a lot from our experience in setting up and maintaining public order in Bosnia, and we improved it in Kosovo and in Afghanistan. The people who are over there now, appointed by President Bush, are top notch—such as former New York City Police Commissioner Kerik who is respected by everyone. His top people have extensive experience in both Bosnia and Kosovo and we should be proud of the team we have. I just wish the folks in Washington would listen to them.

We spent more than an hour, I believe, at the police academy. And we were told by these first-rate pros that it is going to take at least 1 year to recruit and train a police force of 40,000 people, which they argue would provide only minimal police functions, and 5 years to build a force back up to 75,000 people.

I asked a guy who has extensive experience, in front of my colleagues and in front of all the military there: Who is in charge of the prison system? He said: There is no prison now. There is not a prison in all of Iraq that we would call a prison—maybe the equivalent of a dungeon, but not a prison.

I turned to him and said: If you had all the resources you needed, all the help you wanted, and all the personnel you needed, how long would it take you to set up a prison system in Iraq from this day on? He said 3 years.

It is going to take 3 years minimum to set up, with all the resources, a prison system. It is going to take, according to our own administration experts on the ground, a year to minimally train 40,000 police, and 5 years to build a force up to 75,000.

Then came the kicker. What do you need? They said: We need right away, in addition to the MPs we have, which are stretched beyond limit—because most of the MPs are reserve officers and can you ask Reserves who have been there 6 months to stay another year, year and a half?—we need 5,500 trained, hardnosed European police officers, carabinieri, now to take over

these functions and help us train the Iraqi police force.

I might add parenthetically, our intelligence was abysmal on this point. The 78,000 police officers and the 10,000 or 20,000 member quasi-military—they weren't trained by what we call a trained police officer. An example was given: If there was murder in an apartment building, the police did not go to the apartment building to investigate the murder. They sent a notice to the apartment, and everybody emptied out of the apartment building and went down to the police station.

There is no police force as we think of it. There were none as we think of them in Iraq. So the fact that somebody in the intelligence community did not tell the President that their police force is not our idea of a police force that could help maintain order is an abysmal failure. We have to deal with it.

The third part of this resolution, to promote stability and security, is to have a civilian police force and to ask for the use of diplomacy with our French friends, our German friends, our Spanish friends, our Italian friends who are already sending some police there: Help us now.

There is more to say. If we continue to comprise 80 to 90 percent of our forces on the ground, be sure we will get at least 80 or 90 percent of the blame for everything that happens in Iraq. If it is an American police officer, an American MP, an American soldier who is the one attempting to settle whatever the dispute is, just remember, we are going to take the blame. I would like to share the responsibility a little bit beyond what we have now.

All I have suggested is not prescriptive in the literal sense. It does not require the President to actually find 5,500 police. It does not require him to do anything. But this is for us to weigh in on the side of the voices within the administration that say: We have to get smarter about how we are doing this.

The last point I will make is, we now, in a physical sense, control Iraqi television. We are told by those with whom we visited—and two senior staff members, one Republican and one Democrat, who stayed behind for another week or so in Iraq confirmed this—that what we basically have 4 hours of television a day with Americans talking on it. They're trying to explain our position on television and, though they do not mean it to be, it sounds as if it is propaganda.

With Al-Jazeera in Iraq, with Iranian television flooding in, with all the slant that these guys have, why we do not have the Board of International Broadcasting, why we do not have USI, why we do not have somebody in there setting up that television quickly, finding Iraqi newspeople, Iraqi personalities, explaining what happened, why the lights are not on, why the group of Iraqis under Saddam's former sway have blown up a pipeline or the reason why the grid went out in southern Baghdad is beyond me.

Granted, it is hard to get all of this going, and I end by saying the very prescriptions I have offered, the very proposals or the direction I think we should be going may very well change. It is a fluid situation. One thing I am confident of right now, we do not have enough police to stand up a real force to restore order within the time we need.

We are going to lose the support of the Iraqi people to the extent we have it but, more importantly, and what worries me more, we are going to lose the support of the American people. The American people are going to start to say to us, and maybe even some people who are watching this right now in person or on television are going to say, why is Biden saying we should stay there? We had two more kids killed today, nine kids killed yesterday and four kids the day before—not kids but soldiers, warriors. I do not want to stay there. Bring them home.

The President has to go on the air and say if we bring them home, we will inherent the wind, because if the American people understand why it is critical to stay there, they will be prepared to come up with the money, the time, and the risk to stay there.

The President has to ask them. He has to ask the American people. He has to ask the French, the Germans, NATO. I hope those who are counseling him not to are not doing it out of false pride.

My dad, who passed away a little while ago, used to say, only a big man can bend a considerable distance. We are the big man. We should act like it. Not in terms of taunts, bring them on, but in terms of saying, come on, help us, it is in your interest as much as it is ours.

The President is very popular. He has done some very good things. In my humble opinion, he should use some of that stored-up popularity to make what I acknowledge is an unpopular case: My fellow Americans, we must stay in Iraq because if we do not the following will happen, and if we stay in Iraq, it means this is what I am going to be asking of you, this is the sacrifice I am going to be asking of you, and, by the way, I am asking the rest of the world in a real sense to help us.

I am waiting for that speech. I am waiting for that to happen. If it does not happen, I fear we will lose support in Iraq very quickly, we will lose it at home very shortly, and we will lose it in fact in the near term. That is not why I voted to go into Iraq. That is not why I voted to go into Iraq.

By the way, I sent this amendment up on behalf of myself, Senator LEVIN, and Senator DASCHLE. I now ask unanimous consent that Senator KENNEDY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as I said, this is a sense-of-the-Congress resolution. It is meant, quite frankly, as the only way I know how to weigh in on the debate that is going on at the White House; to add another collective voice from another branch of the Government as to how we should proceed. It is not meant as a criticism of the President. It is not meant as a criticism of his policy. It is an observation. Just as he stated his initial game plan was not workable and he changed it, I respectfully suggest that unless we change the game plan here, we are going to be in for some real trouble.

I yield the floor.

AMENDMENT NO. 1190, AS MODIFIED

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, could I inquire of the Senator if he would be prepared to modify his amendment in two ways? In the-sense-of-Congress section, the second sentence, ''the President should request formally and expeditiously,'' would the Senator use the word ''consider,'' ''the President should consider formally and expeditiously,'' and in the second one, ''the President should consider calling on the United Nations''? I modify it in that way in that the Senator has suggested the President is weighing these options. We have offered at least some ideas as to what he ought to weigh, clearly for the reasons stated earlier.

My own view is if the Senator would be prepared to modify his sentences in that way, to use the word ''consider'' rather than ''request,'' I would be prepared to accept the amendment and proceed with the Senator at least in a bipartisan statement with which I generally agree.

Mr. BIDEN. Quite frankly, I am much less wedded to the particular verbiage of this resolution than I am to staying bipartisan, because that is what the chairman and I have been trying to do throughout. So I ask unanimous consent that my amendment be modified on page 2, paragraph 2, to say that ''the President should consider requesting,'' adding the word ''consider,'' and I ask unanimous consent to modify my amendment to say ''the President should consider calling on the United Nations.''

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 1190), as modified, is as follows:

At the appropriate place insert:

SEC. . In appreciation of our armed forces and regarding restoring stability and security in Iraq.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks;

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essentially public services for Iraqis and these efforts are further complicated by the absence of effective communications with the Iraqi people;

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities;

(4) Approximately 145,000 U.S. troops are currently deployed in Iraq, meaning that American troops comprise roughly 90% of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85% of Coalition forces;

(5) Maintaining the existing force level in Iraq currently requires $3.9 billion each month;

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers;

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal policy functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist and jointly patrol with the existing Iraqi police force;

(8) President Bush has noted that ''The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking,'' and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States;

(9) Secretary Rumsfeld testified that ''We certainly want assistance from NATO and from NATO countries'' and it is clear that involving the North Atlantic Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops; and

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) It is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) The President should consider requesting formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq.

(3) The President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

Mr. BIDEN. Mr. President, I ask my friend whether or not he would object, because a number of people on my side, including the major sponsor who helped on this, Senator LEVIN, wanted to have a rollcall vote. Does he have an objection to a rollcall vote on this?

Mr. LUGAR. In response to the Senator, my preference would be that we would not have a rollcall vote; that it could proceed by voice vote. I say this advisedly, but I presume many Members on both sides will generally agree with this. This is very complex language and analysis. I think there is general feeling that the chairman and ranking member have been through this experience, have gone through this together, and our opinions are fairly well understood. I do not want to see a result in which there are a fair number of people who feel constrained because it is requesting the President to consider these things that it might be considered criticism of him or undermining in any way his consideration of this amendment.

Mr. LEVINE. Mr. President, I rise this afternoon in support of the Biden, Levin, Daschle amendment.

The initial military phase of Operation Iraqi Freedom appears to have been thoroughly planned and brilliantly executed. Unfortunately, the transition to post-conflict stability operations and the conduct of those operations appear to be far less so. We must succeed in this endeavor and we need to understand the strategy for ensuring that success. Part of that strategy hopefully would be the attempt to internationalize the security and nation-building efforts. To achieve that end, it is critically important to seek NATO and United Nations support and endorsement. This would facilitate the recruitment of their member nations to our effort—in terms of providing troops, resources, expertise and international legitimacy.

The whole world has a stake in the stability of Iraq. It is a mystery to me why the Administration has not reached out to NATO and to the U.N. as institutions. Their support could bring significant additional forces, such as German and French forces through NATO, and Indian and Egyptian forces through a U.N. endorsement.

At a hearing before the Armed Services Committee yesterday and in response to my question as to whether the administration has formally requested NATO assistance in Iraq, Secretary of Defense Donald Rumsfeld, stated:

> whether the Department of State has instructed the U.S. Ambassador to NATO . . . to issue some sort of a formal request, I don't know.
>
> This is too important an issue for that answer to be acceptable.

We should also end the feud with Germany and France. Those countries are major participants with us in Afghanistan and Bosnia and Kosovo. They should be asked to join with us in Iraq. We are going to be in Iraq a long time and a large number of troops are going to be needed as the President finally acknowledged last week.

When I asked Secretary Rumsfeld if Germany and France were on the list of 70 to 90 countries that he said the Department of State had issued requests to provide forces for Iraq, he said ''I'll have to ask. I would suspect they are.'' That is also an unacceptable answer.

There are a number of advantages to having a significant number of additional forces from other countries join in the stability operations in Iraq. First, some U.S. forces, including Reserves, have seen extended combat and other exhausting duty in Iraq and, with U.S. forces stretched thin around the world, increasing the number of non-U.S. forces who can substitute for us in Iraq, would reduce the numbers of and the burden on U.S. forces. As of now, the number of troops of other countries that will be present on the ground will increase from the present number of 12,000 to a total of only about 20,000 to 22,000 by the end of the summer; an increase of a mere 8,000 to 10,000 troops out of about 165,000.

At the hearing before the Armed Services Committee yesterday and in response to my question, General Tommy Franks, who was the commander who led U.S. and coalition forces in Iraq until earlier this week, said that the current force level or ''footprint'' of 145,000 U.S. troops in Iraq would likely remain at that level ''for the foreseeable future.'' That troop level will be difficult to sustain.

Second, I would hope that internationalization would serve to reduce the threat to U.S. forces in more ways than reducing the quantity of our forces on the ground. Up until now, we have been the main target of those Baathists who stand to lose most when democracy is established in Iraq, because the United States is principally the country, along with Britain, which brought down Saddam's regime which provided privileged status to the Baathist minority. It would be harder for those Saddam loyalists to sustain attacks on forces wearing NATO or U.N. patches on their shoulders, because it would be dramatized to the people of Iraq that this is not a U.S.-British occupation, but an international effort to bring stability to the nation and the region.

That is why we are offering this amendment, which expresses the sense of Congress that the United States should remain in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government; that the President should request formally and expeditiously that NATO raise a force for deployment in Iraq and the Congress urges NATO allies and other nations to provide troops and police to coalition efforts in Iraq; and that the President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq.

The United States has taken upon itself the daunting task of nation building in both Iraq and Afghanistan. The administration and Congress must work together to ensure success in those endeavors. I hope that all of my colleagues will vote for this amendment and that the President will follow

through with NATO and the United Nations. It appears that both of those institutions would be responsive to a formal request for assistance and that a number of their member states would provide military forces and civilian police to help the U.S.-led Coalition bring stability and security to Iraq so that reconstruction can take place.

Mr. BIDEN. Mr. President, if my colleague will yield, if he would permit me to go into a quorum call for 3 minutes to confer with the major sponsor of this amendment, I would like to do that and see if we can resolve this quickly. Is that appropriate?

Mr. LUGAR. That would be appropriate. I respond further, part of my thought, likewise, is the hope we might finish the bill.

Mr. BIDEN. I am with you there. I promise this quorum call will not be as long as the vote.

Mr. LUGAR. But, at the same time, the additional debate and the vote will be time consuming.

Mr. BIDEN. I agree.

Mr. LUGAR. I am hopeful we will be able to proceed.

Mr. BIDEN. I tell my colleagues I will be back asking for the quorum call to be lifted within 5 minutes.

Mr. LEVIN. Will the Senator withhold?

Mr. BIDEN. Surely.

AMENDMENT NO. 1192 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, before a quorum call is placed, let me ask that the amendment be temporarily laid aside in order that I propose an amendment on behalf of Senator ENSIGN on which there has been agreement on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. ENSIGN, proposes an amendment numbered 1192.

Mr. LUGAR. 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 fulfill the Administration's request to move towards the goal of achieving a 25 percent UN peacekeeping assessment rate without incurring arrears)

Strike Section 401 and insert the following:

SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING.

(a) IN GENERAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by amending subparagraph (B), added by Section 402 of P.L. 107–228 (FY 2003 Foreign Relations Authorization Act), to amend subparagraph (iv) as follows and add subparagraph (v) at the end:

''(iv) For assessments made during calendar year 2004, 27.1 percent.

''(v) For assessments made during calendar year 2005, 27.1 percent.''

Mr. ENSIGN. Mr. President, I rise today in support of an amendment concerning our U.N. peacekeeping assessment rate. This amendment is very simple. It supports the President's plan to move toward having the U.S. share of U.N. peacekeeping costs fall to 25 percent without incurring arrears.

This history of our financial commitment to U.N. peacekeeping should be a cautionary tale. For instance, from 1988 to 1994, U.N. peacekeeping spiraled out of control as the number of operations more than tripled and costs soared from $268 million to $3.5 billion.

Finally, in 1994 the Democrat-controlled Congress and President Clinton enacted legislation unilaterally reducing the U.S. share of the U.N. peacekeeping budget from 31 percent to 25 percent. This produced arrears, but it also produced badly-needed reforms.

Indeed, combined with the disastrous U.N. peacekeeping operations in Somalia and Bosnia, this drastic action finally helped get the attention of other member states. For instance, the U.N. finally set up a 24-hour-a-day command and control center where military officers participating in peacekeeping operations could call in to discuss the situations in the field. Results were positive.

The annual U.S. peacekeeping bill fell from almost $1 billion to around $300 million in 1997.

With the historic Helms-Biden U.N. agreement we managed to clear up our fair share of arrears in exchange for much needed reforms. Congress later agreed to a glide-path in our peacekeeping assessment rate, still maintaining the 25 percent cap in law but permitting higher authorized levels as we work to achieve that goal.

This amendment continues the glidepath. It authorizes an assessment level of 27.1 percent for the next 2 years, which is the exact level the Bush administration says we need in order to fully fund our obligations.

To permanently raise the cap to 27.4 percent, as the underlying bill seeks to do removes all pressure to reduce the U.S. assessment level and reform U.N. peacekeeping. That is unhealthy for the U.S., which paid $794 million in U.N. peacekeeping costs last year, and unhealthy for the U.N. which is overly reliant on one nation—the U.S.—for financial support.

Let's fully fund the President's request for U.N. peacekeeping and let him keep the necessary tools he needs to ensure that U.N. peacekeeping is as effective as it can be.

One of those tools is the 25 percent assessment rate in current law.

The White House Statement of Administration Policy calls section 401 of this bill, which permanently raises the peacekeeping cap to 27.4 percent, a significant provision that restricts the President's ability to conduct and manage foreign policy. So I hope that my colleagues will join the White House and State Department in supporting my amendment to this bill.

Mr. LUGAR. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment?

The amendment (No. 1192) was agreed to.

Mr. LUGAR. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table is agreed to.

Mr. LUGAR. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1190

Mr. KENNEDY. Mr. President, I strongly support this amendment. I commend my friend and colleagues, the Senator from Delaware and Senator LUGAR, and Senators DASCHLE and LEVIN, for their support on this amendment.

To minimize the strain on American troops and ensure the stabilization of Iraq, we need to internationalize the presence in Iraq. Today, our policy toward Iraq is adrift and American troops and their families are paying the price. President Bush declared an end to major hostilities on May 1. Since then, more than 70 American service men and women have been killed. For them and their families the war is not over. We have options and we need not go it alone. We have NATO; we have the United Nations. It is time to mend the fences with our allies and work together in order to stabilize Iraq, in order to bring the promise of democracy and to minimize the strain on our own troops. We should ask NATO as an institution to join this extremely important effort.

I welcome the opportunity for the Senate to go on record in support of that request.

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. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I say to my friend from Indiana, I don't have anyone else on this side who wishes to speak to the amendment. I have checked with my leadership, giving people an opportunity to know we will have a vote. I ask unanimous consent we move to a vote on this at 20 minutes of so people have a little bit of notice there will be a vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. I ask unanimous consent the vote on the Biden-Levin amendment begin at 20 minutes to 5 p.m. with no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. 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. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, is there an order for a rollcall vote at this time?

The PRESIDING OFFICER. There is an order for a rollcall vote.

The question is on agreeing to amendment No. 1190, as modified. The yeas and nays have been ordered.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), 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 Florida (Mr. GRAHAM) would vote ''yea.''

The PRESIDING OFFICER. (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—97

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Sununu
Cornyn	Kohl	Talent
Corzine	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden
Dayton	Levin	
DeWine	Lincoln	

NOT VOTING—3

Graham (FL)	Lieberman	Miller

The amendment (No. 1190), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, earlier today I spoke about the serious threat to U.S. forces that remain engaged in a volatile situation in Iraq. The same troops that fought and won the war against Iraq are now performing a peacemaking mission with no end in sight.

The United States entered this war virtually alone. But the United States, alone, cannot be expected to carry the burden of providing the vast majority of troops and the nearly endless amounts of funds that will be required to get Iraq back on its feet. We need the help of the international community, and we need it now.

The administration has the obligation to look out for the welfare of our troops by engaging NATO and the United Nations in order to raise a large peacekeeping force that will share the burdens of occupation with the other nations of the world. There are many countries that have the capability to assist in a peacekeeping mission in Iraq, but first the President must make the unambiguous call to NATO and the U.N. to appeal for foreign troops and financial contributions.

I compliment Senator BIDEN for his efforts in introducing the amendment, but the amendment only calls for the President to ''consider'' the issue of whether to appeal to NATO and the U.N. to raise an international peacekeeping force.

I have very strong reservations about another provision in this amendment. The amendment states the sense of Congress that ''it is the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government.'' Engaged for how long? Surely it is not in the national security interests of the United States to retain a permanent presence as a peacekeeping force in Iraq. This particular statement could well lead us down the path to mission creep.

Moreover, contrary to the assertions by the President of the United States and others in his administration, I have never believed that it was in the ''national security interests'' to go to war with Iraq to begin with. Subsequent events thus far have not shown that Iraq constituted an imminent threat to the security of our country. Tragically, the American people were deceived into believing otherwise.

I voted for this sense of Congress amendment because it draws attention to a critical issue, but the Senate must not wash its hands of internationalizing the occupation of Iraq by passing a nonbinding resolution which does not actually call on the President to do anything.

AMENDMENTS NOS. 1193 THROUGH 1196, EN BLOC, TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send to the desk a packet of agreed-on amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes amendments numbered 1193 through 1196, en bloc.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. These include an amendment by Senator WARNER to strike section 206 of the pending State Department authorization bill relating to security capital cost sharing; an amendment by Senator FRIST to commend the people of Colombia on the third anniversary of Plan Colombia; an amendment by Senator SCHUMER to express the sense of the Senate regarding reports to Congress on the National Commission on Terrorist Attacks upon the United States; and an amendment by Senators DURBIN, MIKULSKI, and LANDRIEU regarding the Millennium Challenge Act.

I ask unanimous consent that these amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1193

(Purpose: To strike section 206, relating to security capital cost sharing)

Strike section 206.

AMENDMENT NO. 1194

(Purpose: To commend the leadership and people of Colombia on the third anniversary of Plan Colombia)

On page 242, between lines 12 and 13, insert the following:

SEC. 2522. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the enactment of legislation providing initial United States assistance for the Plan Colombia initiative. Since then, the United States has provided over $3 billion in support of Plan Columbia.

(2) During this period, the Government of Colombia, with United States support, has made progress in the eradication and seizure of illegal drugs.

(3) According to reports—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares to be sprayed with herbicides in 2003;

(B) 3,300 hectares of poppy crop have been sprayed with herbicides in 2002, and an additional 1,658 hectares to be sprayed in 2003; and

(C) between January 2002 and May 2003, 100 tons of pure cocaine and 850 kilos of heroin have been seized, with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia have 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades.

(5) The armed forces of Colombia are taking steps against the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of some 3,553

guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of solid and liquid chemicals used for manufacturing cocaine, and the seizure of weapons from guerrillas and drug traffickers.

(6) In the past several years, the Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia is working to establish law and order in Colombia—

(A) homicides have reportedly declined in Colombia during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have reportedly declined during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, thousands of new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia plans to increase defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and to enlarge its armed forces by 126,000 troops.

(10) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) COMMENDATION.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia on the third anniversary of Plan Colombia and for their efforts in fighting illegal drugs and terrorism; and

(2) supports and encourages the efforts of President Uribe and the Government and people of Colombia to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia.

AMENDMENT NO. 1195

(Purpose: To express the sense of the Senate that President Bush should require all executive agencies to provide full and timely cooperation with the National Commission on Terrorist Attacks Upon the United States so that the Commission can provide the best possible analysis of how the Nation can prevent future acts of terrorism)

At the end of title VIII, add the following:

SEC. 815. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to ''ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks'' and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most notably the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency should submit to Congress, by August 15, 2003, and quarterly thereafter for the life of the commission, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

AMENDMENT NO. 1196

(Purpose: To ensure that the benefits under the Millennium Challenge Assistance program are available for the intended beneficiaries, including women and girls)

On page 250, line 19, strike ''Such'' and insert ''In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved''.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator STEVENS be added as a cosponsor to amendment No. 1185 which establishes a parliamentary exchange program with the People's Republic of China.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1194

Mr. FRIST. Mr. President, I rise to introduce an amendment to the foreign assistance authorization bill regarding Colombia.

Colombia is one of the oldest democracies in our hemisphere. It is under threat by narcotics traffickers, leftwing guerrillas and rightwing paramilitaries. We have been working with the government for several years to combat the twin threats of narcotics and terrorism and to strengthen democracy.

President Uribe and the Republic of Colombia have made great strides in implementing Plan Colombia, eradicating the production of illegal drugs, providing alternatives to coca and poppy cultivation for impoverished Colombians, establishing law and order, and taking steps to protect human rights and to administer justice.

The total area of coca cultivation in Colombia has declined markedly in the past 3 years, while drug seizures are up. The armed forces of Colombia are better trained than four years ago. Colombia is also training and equipping 78,000 new police officers who will be stationed in hundreds of rural towns where there is currently little or no police presence.

The Armed Forces are defeating the narcotics traffickers and terrorists in Colombia by capturing to date a total of 3,553 guerillas and 1,336 members of paramilitaries; destroying more than 1,000 coca laboratories; confiscating billions of gallons of solid and liquid chemicals used for manufacturing cocaine; and seizing more than 4,000 weapons from guerillas and traffickers.

Colombia has extradited 78 individuals to the United States to face trial for narcotics and terrorist charges.

The government of Colombia has made progress in combating crime; during the first months of 2003, homicides have declined 20 percent and kidnappings by 40 percent when compared to the same period in 2002.

The government of Colombia is committed to increased defense spending from 3.5 percent of GDP in 2002 to 5.8 percent by 2006, thereby enlarging the armed forces by 126,000 troops.

The government of Colombia is taking steps to protect the human rights of the people of Colombia by establishing the national early warning system to prevent forced displacement and human rights violations; and by providing protection for 2,731 human rights workers, labor leaders, journalists, and local government officials.

The government is establishing a judge advocate general center and Military Penal Justice Corps with U.S. assistance. It is also creating human rights units under the Colombian Attorney General's Office, the armed forces, and the national police.

The government of Colombia is taking steps to ensure the fair administration of justice in Colombia by establishing 31 Casas de Justicia that have handled 1.6 million cases to date; by creating 19 oral trial courtrooms and training 3,400 judges to administer justice; and by training Colombian law enforcement personnel judges, and prosecutors in anticorruption, money-laundering, and antikidnapping measures.

The United States should continue its strong support of the efforts of President Uribe, the government, and people of Colombia to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

AMENDMENT NO. 1196

Mr. DURBIN. Mr. President, I thank the chairman and ranking member for accepting my amendment, cosponsored by Senators MIKULSKI, LANDRIEU, SNOWE, and HUTCHISON, regarding the Millennium Challenge Account and considering the role of women and girls in the development process.

The Millennium Challenge Account has great potential to make a significant difference in some of the poorest countries of the world by incorporating the best practices that are known to accelerate economic development. The account will create incentives for countries to engage in these practices, and builds them into the design of development projects.

According to the bill before us, the Millennium Challenge Corporation will use indicators to see which poor countries meet criteria on good governance, economic freedom, and investing in health care and education. My amendment adds consideration of the role of women and girls in those indicators.

Why is this important? Why should women be singled out?

One of the strongest lessons we have learned over the last 30 years is that when development efforts address the different needs of women and the specific barriers they face, countries are more likely to succeed. When the needs of women are not addressed, development assistance projects are more likely to fail. It is one of the core lessons of development effectiveness.

Women are the vast majority of the world's poor. We cannot succeed in reducing poverty unless we ensure that women are fully integrated into our efforts. Around the world, social, economic, and political barriers inhibit women's access to opportunities. If we address these barriers, we can unleash women's potential to contribute to their families, their communities, and their economies.

Empowering women is a smart investment because it will help us achieve many of our other goals. Research has shown that: HIV infection rates are higher when the gap between men and women in literacy is larger. In agriculture, women have less access to education and to labor, fertilizer, and other inputs than men do in developing countries. When women receive equal access to these inputs, their yields for food such as maize, beans, and cowpeas increases by 22 percent. According to the World Bank, increased progress in closing the gap between men and women in schooling would accelerate economic growth. Increases in women's education accounted for 43 percent of the total reduction in child malnutrition in developing countries. In Egypt, increasing the education level of mothers from none or less than primary, to completion of primary school reduces the proportion of the population below the poverty line by 33.7 percent. The probability that a child will survive in urban Brazil is almost 20 times greater when women accumulate income rather then men.

Lack of understanding of women's roles lowers returns on development investments. Women participate directly or indirectly in virtually every sector of life in developing countries, from agricultural production to high-tech manufacturing, but their roles can be ''invisible''. For example, women in rural Africa are responsible for 80 percent of agricultural production. However, research shows that, even where we can show that women perform the majority of agricultural labor and are responsible for the most food production, agriculture extension services seldom reach women. According to a study in Kenya, yields among women farmers could increase 7 percent if they were given the same tools, training, and education as male farmers.

One of the greatest successes in recent years is microcredit programs, which have targeted women. People in the microcredit movement realized that many poor women have creative ideas and the willingness to work hard to improve their economic well-being. What they do not have is access to credit to make those ideas happen. When women cannot own property, or travel outside of their villages, they cannot access credit from banks. Microcredit programs bring credit to women, and they have worked. Most microcredit programs have over 95 percent repayment rates and have helped many women change their own lives and those of their families. Unless we ensure that this type of thinking is part of the MCA, we will not succeed.

Secretary of State Colin Powell has said that countries that treat women with dignity and afford them a choice in how they live their lives, give them equal access to essential services and an equal opportunity to contribute to public life are the countries that are the most stable and viable.

The amendment that I have proposed is modest, but it addresses an important gap to ensure that the MCA achieves its overall purpose. We must address the different needs, roles, barriers, and potential of women in our development interventions.

My amendment would create incentives to developing countries to do so by taking into account and assessing the role of women in eligibility criteria.

We must ensure that we are doing what we know works to create a better, more stable world. Unless we ensure that women's roles, as well as men's, are fully integrated into the design of the Millennium Challenge Account from the outset, we will not succeed.

AMENDMENT NO. 1197 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send an amendment authored by Senator DURBIN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. DURBIN, Mr. ROBERTS, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. WARNER, Mr. LOTT, Ms. SNOWE, Mr. CHAMBLISS, Mr. HAGEL, Mr. DEWINE, Mr. LUGAR, Mr. LEVIN, and Mr. BOND, proposes an amendment No. 1197.

Mr. LUGAR. 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 express the sense of Congress on an investigation into assertions that Iraq attempted to obtain uranium from Africa)

On page 94, between lines 17 and 18 insert the following new section:

SEC. 815. SENSE OF CONGRESS ON AN INVESTIGATION INTO ASSERTIONS THAT IRAQ ATTEMPTED TO OBTAIN URANIUM FROM AFRICA.

(a) FINDINGS.—Congress makes the following findings:

(1) In the State of the Union address in January 2003, the President asserted that ''[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa''.

(2) It has been determined that the claim regarding the efforts of Iraq to obtain uranium from Africa cannot be substantiated.

(3) In May 2003, the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate requested that the Inspector General of the Department of State and the Inspector General of the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the assertions regarding the efforts of Iraq to obtain uranium from Africa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress supports the thorough and expeditious joint investigation by the Inspector General of the Department of State and the Inspector General of Central Intelligence Agency into the documents or other materials that the President relied on to conclude that Iraq had attempted to obtain uranium from Africa;

(2) the findings and conclusions of the joint investigation should be completed not later than September 12, 2003; and

(3) such findings and conclusions should be unclassified to the maximum extent possible, while fully protecting any intelligence sources or methods.

(4) the findings and conclusions of the joint investigation should be sent to the House and Senate Select Committees on Intelligence and the Senate Foreign Relations Committee and the House International Relations Committee.

Mr. LUGAR. Mr. President, the amendment has been cleared on both sides. I ask unanimous consent that it be passed.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1197) was agreed to.

Mr. DURBIN. Mr. President, in his State of the Union message in January of this year, the President discussed the threat posed by Iraq's nuclear weapons development program. The President went on to make the following statement: ''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.''

After numerous concerns being raised about the veracity of this last statement, the administration has recently

acknowledged that the President should not have made this claim. In a statement authorized by the White House, a senior Bush administration official said on Monday, July 7: ''Knowing all that we know now, the reference to Iraq's attempt to acquire uranium from Africa should not have been included in the State of the Union speech.''

In May of this year, Chairman PAT ROBERTS and Vice Chairman JAY ROCKEFELLER of the Senate Select Committee on Intelligence requested that the Inspectors General of the Department of State and the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the President's statement.

I would note that earlier this year, the International Atomic Energy Agency, IAEA, determined that some of the intelligence documents provided to it by the United States are forgeries. These documents were provided to the IAEA as evidence of Iraqi efforts to procure uranium from the Republic of Niger. In March of this year, Senator ROCKEFELLER requested that the FBI investigate this issue as well.

I want to thank the bill managers for accepting the amendment I planned to offer today a ''Sense of the Congress'' amendment to the State Authorization Bill which, 1, expresses support for the thorough and expeditious joint investigation into this matter by the Inspectors General of the Department of State and the CIA; 2, that the findings and conclusions of this joint investigation should be completed by September 12, 2003; and, 3, that the findings and conclusions of this joint investigation should be unclassified to the fullest extent possible, consistent with the protection of intelligence sources and methods.

I am a member of the Senate Select Committee on Intelligence which is conducting a review of pre-war intelligence on the existence of, and the threat posed by, Iraq's weapons of mass destruction, WMD, as well as other matters related to pre-war intelligence reporting related to Iraq.

The reported existence of Iraq's WMD and support for international terrorism, al-Qaida in particular, were the primary justifications put forward for military action against Iraq by the Bush Administration to the Congress, the American public and the international community.

There is no more serious undertaking for our government than to take our Nation to war. Such a momentous decision must be made on the basis of the best intelligence available—and intelligence analysis must be objective and not influenced by policymakers or other outside pressures.

As this issue demonstrates, the administration's intelligence-derived assertions about Iraq's level of WMD-related activity raises increased concerns about the integrity of the U.S. intelligence community and the credibility of the U.S. Government—both here and around the world. These concerns are all the more troubling because of the administration's new national strategy of military pre-emption—which places a premium on timely, accurate and non-political intelligence assessments of the threats to our country.

Mr. LUGAR. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1198 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send an amendment on behalf of Senator DORGAN to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. DORGAN, proposes an amendment numbered 1198.

Mr. LUGAR. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY FOOD AID FOR HIV/AIDS VICTIMS.

(a) FINDINGS.—The Senate finds the following:

(1) Whereas the Centers for Disease Control and Prevention found that ''For persons living with HIV/AIDS, practicing sound nutrition can play key role in preventing malnutrition and wasting syndrome, which can weaken an already compromised immune system.''.

(2) Whereas there are immediate needs for additional food aid in sub-Saharan Africa where the World Food Program has estimated that more than 40,000,000 people are at risk of starvation.

(3) Whereas prices of certain staple commodities have increased by 30 percent over the past year, which was not anticipated by the President's fiscal year 2004 budget request.

(4) The Commodity Credit Corporation has the legal authority to finance up to $30,000,000,000 for ongoing agriculture programs $250,000,000 represents a use of less than 1 percent of such authority to combat the worst public health crisis in 500 years.

(b) COMMODITY CREDIT CORPORTATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to provide an additional $250,000,000 in fiscal year 2003 to carry out programs authorized under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to assist in mitigating the effects of HIV/AIDS on affected populations in sub-Saharan Africa and other developing nations, and by September 30, 2003, the Administrator of the United States Agency for International Development shall enter into agreements with private voluntary organizations, non-governmental organizations, and other appropriate organizations for the provision of such agricultural commodities through programs that—

(A) provide nutritional assistance to individuals with HIV/AIDS and to children, households, and communities affected by HIV/AIDS; and

(B) generate funds from the sale of such commodities for activities related to the prevention and treatment of HIV/AIDS, support services and care for HIV/AIDS infected individuals and affected households, and the creation of sustainable livelihoods among individuals in HIV/AIDS affected communities, including income-generating and business activities.

(2) REQUIREMENT.—The food aid provided under this subsection shall be in addition to any other food aid acquired and provided by the Commodity Credit Corporation prior to the date of enactment of this Act. Agricultural commodities made available under this subsection may, notwithstanding any other provision of law, be shipped in fiscal years 2003 and 2004.

Mr. LUGAR. The amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1198) was agreed to.

Mr. LUGAR. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1135

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment, which I believe is the Lautenberg amendment No. 1135, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1135) was agreed to.

Mr. BIDEN. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I submit to the desk a list of pending amendments.

The PRESIDING OFFICER. Is the Senator asking that these amendments be called up?

Mr. LUGAR. I am asking that this be the finite list of amendments. I understand that clerical work is being done as I speak. For the moment——

Ms. LANDRIEU. Reserving the right to object.

Mr. HARKIN. Reserving the right to object, what is the list?

Ms. LANDRIEU. Reserving the right to object, I just need to clarify something.

The PRESIDING OFFICER. No consent has been asked for.

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. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1199 TO AMENDMENT NO. 1136

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1199.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 131, after line 2, insert the following:

''(d) CLINTON SCHOLARS.—Of the amounts authorized to be appropriated under section 532(a) of the Foreign Assistance Act of 1961 (as amended by this act), $3,000,000 is authorized to be appropriated for scholarships to Palestinians who are future private and public sector leaders and managers for Graduate-level education in the United States. Such program shall be known as the ''Clinton Scholarship Program.''

Mr. BIDEN. Mr. President, I will briefly explain the amendment. It provides for $3 million for a Palestinian scholarship program referred to as the Clinton Scholarship Program. Inadvertently, it was dropped from the bill. I believe there is no objection on the part of the chairman. I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1199) was agreed to.

Mr. BIDEN. 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.

Mr. BIDEN. 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. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent to make a modification to a previously agreed to amendment that I offered, amendment No. 1158. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 1158), as modified, is as follows:

AMENDMENT NO. 1158, AS MODIFIED

On page 182, line 16, insert ''**AND THE UNITED KINGDOM**'' after ''**AUSTRALIA**''.

On page 182, beginning on line 22, strike ''The requirements'' through ''into force.'' on page 183, line 4, and insert the following:

''(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

''(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.''.

On page 183, between lines 9 and 10, insert the following:

(c) ADDITIONAL CERTIFICATIONS FOR THE UNITED KINGDOM AND AUSTRALIA.—Not later than 14 days before authorizing an exemption from the licensing requirements of the Arms Export Control Act in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will advance the non-proliferation and export control interests of the United States;

(2) does not adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime; and

(3) will not adversely affect the duties or requirements of the Secretary under such Act.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) on provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and the agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on June 30, 2003; and

(8) on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of the bilateral agreements between such country and the United States or of any other form of agreement between the United Kingdom and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees, in a manner consistent with ongoing efforts to investigate and bring civil or criminal charges regarding such matters, not later than 90 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate

congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. LUGAR. 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. 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.

Mr. LUGAR. Mr. President, I ask unanimous consent that the substitute amendment, as amended, be agreed to and be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, I want to clarify that the amendments that were adopted, including the Reid amendment this morning, would be included as part of this text. Is that the understanding?

Mr. LUGAR. Yes.

Mr. DASCHLE. Again, I ask if my understanding is his as well.

Mr. LUGAR. That is my understanding.

Mr. DASCHLE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1136), as amended, was agreed to.

ISLAMIC YOUTH EXCHANGE PROGRAM

Mr. KENNEDY. Mr. President, one of the important steps we took in the aftermath of September 11 was to encourage the Muslim and American worlds to do more to understand each other.

The State Department initiated a new academic year high school students exchange program between the United States and the Islamic world to do so, and initial funding was provided in the Fiscal Year 2002 Supplemental Appropriations Act. The program will bring 138 Muslim students to the United States this fall for an academic year of study, and 365 more students are expected next fall.

The program is modeled on the highly successful program for students in the former Soviet Union, and Senator LUGAR and I worked together to create the new program for students from Islamic countries. I understand that my distinguished colleague has current information on its progress.

Mr. LUGAR. Mr. President, it is clear, especially in the aftermath of the war in Iraq, that we have to redouble our efforts to improve perceptions about America in the Islamic world. Addressing this urgent priority should be high on the State Department's public diplomacy agenda.

We have heard reports that the program is off to an excellent start. Despite the many cultural and political obstacles, recruiting for the first year has proceeded successfully. Substantial applicant pools appeared even in countries where difficulty in attracting applicants was expected. Students are currently being recruited in 12 countries: Indonesia, Egypt, Turkey, Nigeria, Tunisia, Lebanon, Morocco, Jordan, Kuwait, Yemen, United Arab Emirates, Syria, and in West Bank/Gaza as well. Six additional countries—Algeria, Afghanistan, Bangladesh, Malaysia, Nigeria, and Saudi Arabia—will be added to the program next year. From an applicant pool of 3,000 in Indonesia, 20 have been selected. In Turkey, 200 students applied and 20 were chosen. Over 300 applications have been received in Jordan. Gender distribution varies by country, but we expected that as many as 40 percent of the program participants will be female.

Mr. KENNEDY. Unfortunately, although the State Department requested $10 million in its fiscal year 2004 budget to continue the program, I understand that the Office of Management and Budget did not include that request in the administration's final budget. Would the chairman agree that this program should be a high priority for the State Department?

Mr. LUGAR. Absolutely. It is vital that once this program gets underway, it proceed with adequate funding to continue its outreach and education efforts. This funding will allow for program growth by expanding participation to other priority countries and by increasing access from the large applicant pools we expect from countries who are already participating. Most importantly, sustainable funding will allow the program to set realistic growth benchmarks, conduct meaningful evaluation of outcomes, and add program improvements.

There are no better representatives of American values than Americans themselves, and student exchange programs are no effective means of reaching out of the next generation of leaders. I look forward to working with the Administration to ensure that this program will receive strong continued support.

Mr. JEFFORDS. Mr. President, I am pleased to note that the Foreign Relations Committee has included a very important provision on global climate change in S. 925, as reported. This provision, section 813, expresses the sense of Congress that the United States should take responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors. I strongly support this provision. Its inclusion in this legislation should be a signal to all the conferees on this bill and to the world that the Senate strongly supports such reductions.

The findings preceding the articulation of the sense of Congress in section 813 are also very important. They clarify that it is Congress' position that evidence continues to demonstrate that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

This assertion is supported by reports from the National Academy of Sciences, the International Panel on Climate Change, and testimony before various Senate committees, including the Senate Environment and Public Works Committee of which I am the ranking member. We have heard repeatedly that increasing greenhouse gas emissions increase the risks associated with global climate change and warming.

I believe it is prudent and practicable to manage these risks now by reducing our emissions as swiftly as possible. Based on the work of many highly respected scientists, I believe we must endeavor to prevent a doubling of atmospheric concentrations of carbon. That means dramatic changes in the way we use, produce and consume fossil fuels in the next 10 to 15 years.

Nearly every single climate expert and scientist believes that the facts require us to take prudent actions now to reduce emissions and thereby reduce the risks of climate change. In a December 2002 resolution, the American Geophysical Union said the following: ''AGU recommends the development and evaluation of strategies such as emissions reduction, carbon sequestration, and adaptation to the impacts of climate change. AGU believes that the present level of scientific uncertainty does not justify inaction in the mitigation of human-induced climate change and/or the adaptation to it.''

As much as some people would like to continue debating whether or not global warming is occurring and whether or not man-made emissions are contributing to that warming, there is not a real debate on this matter in the scientific community. They have moved on, as Congress and the Administration should, to trying to define the magnitude of the probable disruption to earth and human systems, and to designing emissions reductions and adaptation programs to avert the negative effects of that disruption to our quality of life, the environment, and the economy.

I ask unanimous consent that four short documents be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADING CLIMATE SCIENTISTS REAFFIRM VIEW THAT LATE 20TH CENTURY WARMING WAS UNUSUAL AND RESULTED FROM HUMAN ACTIVITY

WASHINGTON.—A group of leading climate scientists has reaffirmed the ''robust consensus view'' emerging from the peer reviewed literature that the warmth experienced on at least a hemispheric scale in the late 20th century was an anomaly in the previous millennium and that human activity likely played an important role in causing it. In so doing, they refuted recent claims that the warmth of recent decades was not unprecedented in the context of the past thousand years.

Writing in the 8 July issue of the American Geophysical Union publication Eos, Michael Mann of the University of Virginia and 12

colleagues in the United States and United Kingdom endorse the position on climate change and greenhouse gases taken by AGU in 1998. Specifically, they say that ''there is a compelling basis for concern over future climate changes, including increases in global-mean surface temperatures, due to increased concentrations of greenhouse gases, primarily from fossil-fuel burning.''

The Eos article is a response to two recent and nearly identical papers by Drs. Willie Soon and Sallie Baliunas of the Harvard-Smithsonian Center for Astrophysics, published in Climate Research and Energy & Environment (the latter paper with additional co-authors). These authors challenge the generally accepted view that natural factors cannot fully explain recent warming and must have been supplemented by significant human activity, and their papers have received attention in the media and in the U.S. Senate. Requests from reporters to top scientists in the field, seeking comment on the Soon and Baliunas position, lead to memoranda that were later expanded into the current Eos article, which was itself peer reviewed.

Paleoclimatologists (scientists who study ancient climates) generally rely on instrumental data for the past 150 years and ''proxy'' indicators, such as tree rings, ice cores, corals, and lake sediments to reconstruct the climate of earlier times. Most of the available data pertain to the northern hemisphere and show, according to the authors, that the warmth of the northern hemisphere over the past few decades is likely unprecedented in the last 1,000 years and quite possibly in the preceding 1,000 years as well.

Climate model simulations cannot explain the anomalous late 20th century warmth without taking into account the contributions of human activities, the authors say. They make three major points regarding Soon and Baliunas's recent assertions challenging these findings.

First, in using proxy records to draw inferences about past climate, it is essential to assess their actual sensitivity to temperature variability. In particular, the authors say, Soon and Baliunas misuse proxy data reflective of changes in moisture or drought, rather than temperature, in their analysis.

Second, it is essential to distinguish between regional temperature anomalies and hemispheric mean temperature, which must represent an average of estimates over a sufficiently large number of distinct regions. For example, Mann and his co-authors say, the concepts of a ''Little Ice Age'' and ''Medieval Warm Period'' arose from the Eurocentric origins of historic climatology. The specific periods of coldness and warmth differed from region to region and as compared with data for the northern hemisphere as a whole.

Third, according to Mann and his colleagues, it is essential to define carefully the modern base period with which past climate is to be compared and to identify and quantify uncertainties. For example, they say, the most recent report of the Intergovernmental Panel on Climate Change (IPCC) carefully compares data for recent decades with reconstructions of past temperatures, taking into account the uncertainties in those reconstructions. IPCC concluded that late 20th century warmth in the northern hemisphere likely exceeded that of any time in the past millennium. The method used by Soon and Baliunas, they say, considers mean conditions for the entire 20th century as the base period and determines past temperatures from proxy evidence not capable of resolving trends on a decadal basis. It is therefore, they say, of limited value in determining whether recent warming in anomalous in a long term and large scale context.

The Eos article started as a memorandum that Michael Oppenheimer and Mann drafted to help inform colleagues who were being contacted by members of the media regarding the Soon and Baliunas papers and wanted an opinion from climate scientists and paleoclimatologists who were directly familiar with the underlying issues.

Mann and Oppenheimer learned that a number of other colleagues, including Tom Wigley of the University Corporation for Atmospheric Research (UCAR) in Boulder, Colorado; Philip Jones of the University of East Anglia's Climatic Research Unit in Norwich, United Kingdom; and Raymond Bradley of the University of Massachusetts in Amherst were receiving similar media requests for their opinions on the matter. Their original memorandum evolved into a more general position paper jointly authored by a larger group of leading scientists in the field.

Mann says he sees the resulting Eos article as representing an even broader consensus of the viewpoint of the mainstream climate research community on the question of late 20th century warming and its causes. The goal of the authors, he says, is to reaffirm support for the AGU position statement on climate change and greenhouse gases and clarify what is currently known from the paleoclimate record of the past one-to-two thousand years and, in particular, what the bearing of this evidence is on the issue of the detection of human influence on recent climate change.

CLIMATE CHANGE AND GREENHOUSE GASES—ADOPTED BY AMERICAN GEOPHYSICAL UNION COUNCIL DECEMBER, 2002

Atmospheric concentrations of carbon dioxide and other greenhouse gases have substantially increased as a consequence of fossil fuel combustion and other human activities. These elevated concentrations of greenhouse gases are predicted to persist in the atmosphere for times ranging to thousands of years. Increasing concentrations of carbon dioxide and other greenhouse gases affect the Earth-atmosphere energy balance, enhancing the natural greenhouse effect and thereby exerting a warming influence at the Earth's surface.

Although greenhouse gas concentrations and their climatic influences are projected to increase, the detailed response of the system is uncertain. Principal sources of this uncertainty are the climate system's inherent complexity and natural variability. The increase in global mean surface temperatures over the past 150 years appears to be unusual in the context of the last few centuries, but it is not clearly outside the range of climate variability of the last few thousand years. The geologic record of the more distant past provides evidence of larger climate variations associated with changes in atmospheric carbondioxide. These changes appear to be consistent with present understanding of the radiative properties of carbon dioxide and of the influence of climate on the carbon cycle. There is no known geologic precedent for the transfer of carbon from the Earth's crust to atmospheric carbon dioxide, in quantities comparable to the burning of fossil fuels, without simultaneous changes in other parts of the carboncycle and climate system. This close coupling between atmospheric carbon dioxide and climate suggests that a change in one would in all likelihood be accompanied by a change in the other.

Present understanding of the Earth climate system provides a compelling basis for legitimate public concern over future global- and regional-scale changes resulting from increased concentrations of greenhouse gases. These changes are predicted to include increases in global mean surface temperatures, increases in global mean rates of precipitation and evaporation, rising sea levels, and changes in the biosphere. Understanding of the fundamental processes responsible for global climate change has greatly improved over the past decade, and predictive capabilities are advancing. However, there are significant scientific uncertainties, for example, in predictions of local effects of climate change, occurrence of extreme weather events, effects of aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. In view of the complexity of the Earth climate system, uncertainty in its description and in the prediction of changes will never be completely eliminated.

Because of these uncertainties, there is much public debate over the extent to which increased concentrations of greenhouse gases have caused or will cause climate change, and over potential actions to limit and/or respond to climate change. It is important that public debate take into account the extent of scientific knowledge and the uncertainties. Science cannot be the sole source of guidance on how society should respond to climate issues. Nonetheless, scientific understanding based on peer-reviewed research must be central to informed decision-making. AGU calls for an enhancement of research to improve the quantification of anthropogenic influences on climate. To this end, international programs of research are essential. AGU encourages scientists worldwide to participate in such programs and in scientific assessments and policy discussions.

The world may already be committed to some degree of human-caused climate change, and further buildup of greenhouse gas concentrations may be expected to cause further change. Some of these changes may be beneficial and others damaging for different parts of the world. However, the rapidity and uneven geographic distribution of these changes could be very disruptive. AGU recommends the development and evaluation of strategies such as emissions reduction, carbon sequestration, and adaptation to the impacts of climate change. AGU believes that the present level of scientific uncertainty does not justify inaction in the mitigation of human-induced climate change and/or the adaptation to it.

HOT WORDS—A CLAIM OF NONHUMAN-INDUCED GLOBAL WARMING SPARKS DEBATE

(By David Appell)

In a contretemps indicative of the political struggle over global climate change, a recent study suggested that humans may not be warming the earth. Greenhouse skeptics, pro-industry groups and political conservatives have seized on the results, proclaiming that the science of climate change is inconclusive and that agreements such as the Kyoto Protocol, which set limits on the output of industrial heat-trapping gases, are unnecessary. But mainstream climatologists, as represented by the Intergovernmental Panel on Climate Change (IPCC), are perturbed that the report has received so much attention; they say the study's conclusions are scientifically dubious and colored by politics.

Sallie Baliunas and Willie Soon of the Harvard-Smithsonian Center for Astrophysics reviewed more than 200 studies that examined climate ''proxy'' records—data from such phenomena as the growth of tree rings or coral, which are sensitive to climatic conditions. They concluded in the January Climate Research that ''across the world, many records reveal that the 20th century is probably not the warmest nor a uniquely extreme

climate period of the last millennium.'' They said that two extreme climate periods—the Medieval Warming Period between 800 and 1300 and the Little Ice Age of 1300 to 1900—occurred worldwide, at a time before industrial emissions of greenhouse gases became abundant. (A longer version subsequently appeared in the May Energy and Environment.)

Scientists skeptical of human-induced warming applaud the work. ''Soon et al. have done a service to the science community,'' remarks Gary Sharp of the Center for Climate/Ocean Resources Study in Monterey Bay, Calif., ''which is in serious threat of losing all credibility via the IPCC's media management and oversell of the dangers of global warming.''

In contrast, the consensus view among paleclimatologists is that the Medieval Warming Period was a regional phenomenon, that the worldwide nature of the Little Ice Age is open to question and that the late 20th century saw the most extreme global average temperatures. Many of these scientists argue that Soon and Baliunas produced deeply flawed work—and they have criticized it in unusually strident language. ''The fact that it has received any attention at all is a result, again in my view, of its utility to those groups who want the global warming issue to just go away,'' comments Tim Barnett, a marine physicist at the Scripps Institution of Oceanography, whose work Soon and Baliunas refer to. Similar sentiments came for Malcolm Hughes of the Laboratory of Tree-Ring Research at the University of Arizona, whose work is also discussed: ''The Soon et al. paper is so fundamentally misconceived and contains so many egregious errors that it would take weeks to list and explain them all.''

Rather than seeing global anomalies, many paleoclimatologists subscribe to the conclusions of Phil Jones of the University of East Anglia, Michael Mann of the University of Virginia and their colleagues, who began in 1998 to quantitatively splice together the proxy records. They have concluded that the global average temperature over the past 1,000 years has been relatively stable until the 20th century. ''Nothing in the paper undermines in any way the conclusion of earlier studies that the average temperature of the late twentieth century in the Northern Hemisphere was anomalous against the background of the past millennium,'' wrote Mann and Princeton University's Michael Oppenheimer in a privately circulated statement.

The most significant criticism is that Soon and Baliunas do not present their data quantitatively—instead they merely categorize the work of other primarily into one of two sets: either supporting or not supporting their particular definitions of a Medieval Warming Period or Little Ice Age. ''I was stating outright that I'm not able to give too many quantitative details, especially in terms of aggregating all the results,'' Soon says.

Specifically, they define a ''climate anomaly'' as a period of 50 or more years of wetness or dryness or sustained warmth (or, for the Little Ice Age, coolness). The problem is that under this broad definition a wet or dry spell would indicate a climatic anomaly even if the temperature remained perfectly constant. Soon and Baliunas are ''mindful'' that the Medieval Warming Period and the Little Ice Age should be defined by temperature, but ''we emphasize that great bias would result if those thermal anomalies were to be dissociated'' from other climatic conditions. (Asked to define ''wetness'' and ''dryness,'' Soon and Baliunas say only that they ''referred to the standard usage in English.'')

Moreover, their results were nonsynchronous: ''Their analysis doesn't consider whether the warm/cold periods occurred at the same time,'' says Peter Stott, a climate scientist at the U.K. is Hadley Center for climate Prediction and Research in Bracknell. For example, if a proxy record indicated that a drier condition existed in one part of the world from 800 to 850, it would be counted as equal evidence for a Medieval Warming period as a different proxy record that showed wetter conditions in another part of the world from 1250 to 1300. Regional conditions do not necessarily mirror the global average, Stott notes: ''Iceland and Greenland had their warmest periods in the 1930s, whereas the warmest for the globe was in the 1990s.''

Soon and Baliunas also take issue with the IPCC by contending that the 20th century saw no unique patterns: they found few climatic anomalies in the proxy records. But they looked for 50-year-long anomalies; the last century's warming, the IPCC concludes, occurred in two periods of about 30 years each (with cooling in between). The warmest period occurred in the late 20th century—too short to meet Soon and Baliunasis selected requirement. The two researchers also discount thermometer readings and ''give great weight to the paleo data for which the uncertainties are much greater,'' Stott says.

The conclusion of Soon and Baliunas that the warming during the 20th century is not unusual has engendered sharp debate and intense reactions on both sides—Soon and Baliunas responded primarily via e-mail and refused follow-up questions. The charges illustrate the polarized nature of the climate change debate in the U.S. ''You'd be challenged, I'd bet, to find someone who supports the Kyoto Protocol and also thinks that this paper is good science, or someone who thinks that the paper is bad science and is opposed to Kyoto,'' predicts Roger Pielke, Jr., of the University of Colorado. Expect more of such flares as the stakes—and the world's temperatures—continue to rise.

[From the Atlanta Journal-Constitution, June 1, 2003]

NONPROFITS PUSH CONTROVERSIAL CLIMATE STUDY

(By Jeff Nesmith)

WASHINGTON.—Nonprofit organizations with ties to energy interests are promoting a controversial climate study as proof that prevailing views of global warming are wrong.

The scientists who authored the new study contend that the global warming of recent decades is not without precedent during the past 1,000 years, as other scientists have claimed. In fact, they say the Earth was even warmer during what is known as the ''medieval warm period'' between 900 and 1300 A.D.

The paper has touched off a worldwide storm of e-mail among climate scientists, some of whom have proposed organizing a research boycott of two journals that published the study.

The links among authors of the new study, the nonprofit groups and the energy interests illustrate a three-way intersection of money, science and policy. Energy interests underwrote the study and help finance the groups that are promoting it.

The study also illustrates a strategy adopted by some energy companies in the late 1980s to attack the credibility of climate science, said John Topping, president of the Climate Institute.

''They saw early on that what they had to do was keep the science at issue,'' said Topping, a former Republican congressional staffer who founded the institute in 1986.

By relying on the news media's inclination to include both sides of a story, the industries were able to create the impression that scientists were deeply divided over climate change, Topping said.

''It was all very shrewdly done,'' he added.

The Climate Institute takes the position that climate change threatens the global environment and promotes international cooperation on the issue. Less then 1 percent of its funding has come from oil industry sources, Topping said, with the rest coming from foundations.

To measure long-term climate patterns, scientists rely on ''proxy'' indicators, such as the content of air bubbles trapped centuries ago under the ice packs in Greenland and Antarctica, the chemical makeup of ancient ocean sediments, and the relative widths of old tree rings.

These natural records have been used to portray a global climate that has been largely stable until the late 1980s, when temperatures started rising sharply.

A millennium of these temperature records presents what has been called a ''hockey stick'' graph, depicting centuries with little relative change, then a sharp and sudden rise during the past two decades.

Most climate scientists think the rise results from the atmosphere buildup of heat-trapping ''greenhouse gases,'' especially carbon dioxide released by the combustion of fossil fuels such as coal and petroleum.

Industry-backed groups claim the new study challenges the validity of this view by presenting evidence of global warming at a time when fossil fuels were not being burned in appreciable quantities.

The new study, ''Reconstructing Climatic and Environmental Changes of the Past 1,000 Years: A Reappraisal,'' was published several weeks ago in a British scientific journal, Energy and Environment.

The authors contend in the 65-page paper that their reanalysis of data from more than 200 previous climate studies provides evidence of global temperature shifts that are more dramatic than the current one, including during the ''medievel warm period.''

The research was underwritten by the American Petroleum Institute, the trade association of the world's biggest oil companies.

Two of the five authors are scientists who have been linked to the coal industry and have received support from the ExxonMobil Foundation.

Two others, who are affiliated with the Harvard-Smithsonian Center for Astrophysics, also have the title of ''senior scientists'' with a Washington-based organization supported by conservative foundations and ExxonMobil Corp.

The organization, the George T. Marshall Institute, is headed by William O'Keefe, a former executive of the American Petroleum Institute.

O'Keefe also was at one time the president of the Global Climate Coalition, a now-defunct organization created by oil and coal interests to lobby against U.S. participation in climate treaties, such as the Kyoto Protocol.

''Statements made about the warming trend of the 20th century and the 1990s do not withstand close scrutiny,'' O'Keefe declared at a recent luncheon held in the Dirksen Senate Office Building here.

The purpose of the luncheon was for Willie Soon, a physicist and astronomer with the Harvard-Smithsonian Center, to present a summary of the new research.

Promotion of the scientists' arguments began with a news release issued by the public affairs office of the Harvard-Smithsonian Center shortly after the paper was published. Headlined ''20th Century Climate Not So Hot,'' the release declared that the scientists had ''determined'' that the current warming trend is neither the hottest nor the most dramatic change in the past 1,000 years.

DIDN'T PUBLISH THE RELEASE

Major news organizations failed to publish the news release. However, it was picked up

by the Discovery Channel Online, which declared that the 20th century may have been ''just another bump in the climate road.''

The Discovery Channel Online article was immediately copied and distributed by the staff of the Senate Environment and Public Works Committee, headed by Sen. James Inhofe (R-Okla.), an outspoken skeptic about climate change.

The committee also circulated a statement by the Committee Enterprise Institute declaring that ''the hockey stick theory has effectively been dismanted'' and ''the margin of error is so large that nearly any temperature trend could be drawn to fit within it.''

The principal target of the paper by Soon and his co-authors was Michael Mann of the University of Virginia, whose landmark compilation of thousands of ''proxy'' indicators led to the conclusion that the last two decades have been unusually warm and to the first depiction of the ''hockey stick'' graph.

Mann said last week that the Soon study does not even attempt to reconstruct global average temperatures but simply highlights anecdotal evidence of isolated warming trends.

In a statement issued jointly with environmental scientists Michael Oppenheimer of Princeton University, Mann said that when all of these indicators are compiled and averaged, the ''medical warming period'' fits within the long-range global trend. He said this was done not only in his study but also in nearly a dozen that have followed it.

Soon acknowledged during a question period at the Senate luncheon that his research does not provide such a comprehensive picture of the Earth's temperature record. He questioned whether that is even possible, and said he did not see how Mann and the others could ''calibrate'' the various proxy records for comparison.

''Then he needs to educate himself on several decades of very careful, painstaking research,'' Mann snapped.

The energy industry provides significant funding for groups that employ some of the authors or promote their new study.

Soon's four co-authors were Sallie Baliunas, also from the Harvard-Smithsonian center; Sherwood Idso and his son, Craig Idso, both of Tempe, Ariz.; who are the past president and the current president of an organization called the Center for the Study of Carbon Dioxide and Global Change; and David R. Legates, a climate researcher of the University of Delaware.

The Idsos, who have previously been linked to Western coal interests, do not reveal the sources of financial support for their center, which on its Web site presents summaries of scientific studies purporting to raise questions about prevailing climate change theories.

The center had a budget of nearly $400,000 in 2001, the most recent year for which nonprofit statements to the Internal Revenue Service are available.

It operates from a post office box and offices in the homes of Craig and Sherwood Idso and a second son of Sherwood Idso, Keith Idso.

Identities of the four donors who provided the organization's $397,000 contributions in 2001 are blanked out of the Internal Revenue Service filing, and Sherwood Idso declined to name them.

''We generally do not stay anything about our funding,'' he said. ''The feeling is that what we produce there should be evaluated on its own merit, not where any funding comes from.''

Records filed with the IRS by ExxonMobil Foundation show that it provided a grant of $15,000 to the Arizona center 2000. These records and others show that ExxonMobil Foundation and ExxonMobil Corp. also have contributed $160,000 to the George T. Marshall Institute in the past three years and more than $900,000 to the Competitive Enterprise Institute.

In a telephone interview, Soon declined to say how much he is paid to serve as a ''senior scientist'' with the George T. Marshall Institute. Both he and Baliunas have that title.

The institute was organized in the 1980s and is chaired by Robert Jastrow, a retired scientist from the National Aeronautics and Space Administration who was an early and vocal supporter of former President Reagan's ''Star Wars'' missile defense initiative.

OTHER BOARD MEMBERS

Other members of the organization's board include O'Keefe; Baliunas; techno-suspense novelist Thomas Clancy Jr.; newspaper columnist Charles Krauthammer; Dr. Bernadine Healy, former director of the National Institutes of Health; and Frederick Seitz of Rockefeller University in New York, a former chairman of the National Academy of Sciences.

O'Keefe declined to identify the Marshall Institute's funding sources, but acknowledged it received money from ExxonMobil and the Sarah Scaife Foundation, headed by conservative Pittsburgh billionaire Richard Mellon Scaife.

He volunteered that it also receives funds from the Bradley Foundation, a large Milwaukee foundation known for its support of conservative causes.

Ross Gelbspan, once a Boston Globe reporter and editor whose 1997 book, ''The Heat Is On,'' details industry efforts to discredit climate change science, said conclusions that greenhouse gases are causing the planet to heat up are the result of ''the largest and most rigorously peer-reviewed scientific collaboration in history.''

''The contradictory statements of a tiny handful of discredited scientists, funded by big coal and big oil, represent a deliberate—and extremely reckless—campaign of deception and disinformation,'' Gelbspan declared.

Mrs. BOXER. Mr. President, I highlight an important provision in the State Department Authorization bill that is now before the Senate. It is a provision that resulted from an amendment I offered in the Senate Foreign Relations committee to insure the inclusion of women in the reconstruction of Iraq.

The Boxer amendment states that it is the policy of the United States to ensure the full and active participation of women in the reconstruction of Iraq. It specifically states that the U.S. should work to promote the involvement of women in all levels of the Government of Iraq and decision-making bodies; the planning and distribution of assistance, including food aid; and job promotion and training programs.

Three years ago, the U.N. Security Council passed Resolution 1325 which reaffirmed the important role of women in peace-building and called attention to the special needs of women during post-conflict resolution. Iraqi women are among the most highly educated in the region and should play a significant role in rebuilding Iraq.

The head of the U.N. Development Fund for Women recently wrote that, ''As groups of Iraqi people meet to prepare for the creation of an interim Iraqi authority, it is essential to know that a way to achieve consensus and compromise, amid the divisive complexities of Iraqi society, is to ensure the extensive participation of women. Indeed, the perspectives of women offer the best promise of meaningful reconstruction and the development of a working democracy.''

My amendment is designed to ensure that the perspectives of women are taken seriously as we work to help Iraq rebuild. I appreciate the support of my colleagues on this issue and hope that this provision is included in the final version of the bill.

Mr. ENZI. Mr. President, the managers' amendment includes a provision that will help solidify the strong friendship that exists between the United States and the United Kingdom. The provision is a result of a great deal of work between the chairman, the ranking member of the Foreign Relations Committee, and the Department of State. They are to be commended for helping to strengthen the partnership between our two countries, a partnership we have relied on for many years.

The provision will allow the U.S. to finalize a bilateral agreement with the United Kingdom and provide a licensing exception to the UK for certain defense-related items. Such an agreement will pave the way for enhancing both our defense capabilities as it promotes cooperation with our coalition partners, especially on matters of defense.

Enhancing our defense capabilities and the industrial and economic cooperation that exists between our two nations is critical if we are to continue to have the ability to promote peace, freedom and democracy throughout the world. As we have seen for many years, and through many international conflicts, the United States and the United Kingdom are steadfast allies who have come to the aid of each other whenever it was necessary to preserve the peace. Our troops fought together in the deserts of Iraq and the United Kingdom has demonstrated time and time again that we can always count on them in a time of crisis.

Another important objective of this agreement is the improvement of the industrial cooperation between our countries. Industries of all types are consolidating in the face of economic downsizing and globalization so that research and development of new products and new technologies can be pursued. This consolidation has only further highlighted the need for effective export control measures.

The United States must now work with our Allies, especially our friends in the United Kingdom, to improve the flow of information and increase the level of cooperation in the areas of export control reform, multilateral control regime participation, and improvements in licensing procedures.

I thank the distinguished chairman and ranking member for working with me on this issue during both the committee markup and in recent days. This provision means a great deal to both our long-term interests and to our continued friendship with the United Kingdom.

The United Kingdom has consistently proved their support for our common cause of peace. Most recently, by their efforts in Iraq. Prime Minister Tony Blair took a great deal of heat for his position, but he held fast to it because our cause was just. We will recognize him for his efforts when he speaks at a Joint session of Congress on July 17. I believe our action here today is also a strong and very welcome show of support for his and his country's efforts.

Mr. ALEXANDER. I rise to speak in support of the managers' amendment and its inclusion of the President's proposal for Millennium Challenge Accounts, or MCA.

MCA is a new approach for foreign aid. Instead of providing aid based solely on need, as is largely the approach under our current system, Millennium Challenge Account assistance will go only to those countries which meet certain criteria for good governance, free markets, and educational and health support. MCA will not replace foreign aid to countries in need; need-based assistance will continue. Nor will MCA be a subsidy for wealthy democracies—it will only go to poorer nations that qualify.

MCA, once implemented will be the first time foreign aid is provided based on a country's efforts to improve itself. This is important for two reasons. First, by investing in countries that are already showing a commitment to sound development principles, MCA assistance is far more likely to make a positive difference in improving conditions in that county. Second, by clearly delineating the criteria used for selecting countries to receive MCA funding, the proposal will provide strong incentive for other countries to make changes so they will also qualify.

I am particularly excited about another aspect of the MCA proposal: how the funds will be used. Because a limited number of countries will qualify for MCA assistance, the aid will go a long way. The Millennium Challenge Corporation, or MCC, which will manage the accounts, will work with government and citizens in the recipient country to ensure funded projects will make a significant contribution toward helping a country move to a new level in its economic growth.

I hope recipient governments, in working with the MCC, will select projects that emphasize their strengths. By focusing on their strengths, recipient countries will not only improve their comparative advantage economically, but also strengthen and build new institutions, and cultivate national pride.

When I was Governor of my State, that was the approach we took to helping cities grow economically. In Chattanooga, for example, the people and local government chose to focus on one of their strengths: the riverfront. State government joined in this effort which resulted in major renovations including a new aquarium that is the envy of the region. In Memphis, State government joined with citizens and local government to focus on improving Beale Street—the home of the Blues. Again, the area became a major attraction and highlight of the city. In both cases, the projects resulted not only in economic growth but a renewed sense of pride in their homes for both Memphians and Chattanoogans.

I also want to take this opportunity to commend Chairman LUGAR, Senator BIDEN, and Senator HAGEL for the compromise language reached in the managers' amendment for authorizing the Millennium Challenge Corporation. My distinguished colleagues have worked out an approach for authorizing a separate agency, as the President proposed, but having it report to the Secretary of State—much as USAID does—in order to maintain continuity in our Nation's foreign policy. This is an excellent compromise, and I am fully supportive of it.

Millennium Challenge Accounts represent the most significant change in our approach to foreign aid in years, perhaps ever. I urge all my colleagues to support it and look forward to watching its implementation, particularly with African countries in my role as chairman of the Subcommittee on African Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to address the Millennium Challenge Account and the importance of providing full funding for foreign assistance initiatives.

I had intended to offer an amendment to the State Department authorization bill to authorize an additional $300 million to the Millennium Challenge Account, MCA, to match the President's request of $1.3 billion for fiscal year 2004.

I believe it is critical for the United States to provide full funding for the MCA at its inception to demonstrate our commitment to those in the developing world who seek a better life and our fellow citizens at home who deserve a safe and secure future free from terror.

Nevertheless, I understand Senator LUGAR has worked closely with Senator BIDEN on a bipartisan bill and that an amendment to increase funding for the MCA is not appropriate at this time. I will not offer an amendment, but I want to take this time to emphasize the need for the United States to take a leadership role in combating global poverty and provide the necessary resources to do so.

Let us not forget that 1.2 billion people live on less than $1 a day and nearly 3 billion live on less than $2 a day; 1.2 billion people lack access to safe drinking water, 2.9 billion have inadequate access to sanitation, and 1 billion people in developing nations are unemployed or underemployed.

In March, 2002, the President announced an initiative to increase foreign aid by $5 billion over the next 3 years through the creation of the Millennium Challenge Account.

These funds would be available on a competitive basis to a few countries based on their records in three areas; ruling justly, investing in people, and pursuing sound economic policies.

Over the past few years, I and several of my colleagues have worked hard to raise awareness about the importance of a robust international affairs budget as a central component of advancing the U.S. foreign policy agenda and protecting our national security interests.

We simply can not afford to rely on our military might alone to fight terror and provide safety and security for our citizens.

The fiscal year 2004 Defense authorization bill passed by the Senate authorized $400.5 billion for national defense.

Over the past 10 years, the Defense appropriations bill has risen from $261 billion in fiscal year 1994, to $355 billion in fiscal year 2003, to $400 billion this year.

Given the multitude of threats our country faces and the commitments of our troops all around the world, I fully support giving the men and women of our Armed Forces the tools they need to do their job at the highest level.

On the other hand, in fiscal year 1994, the foreign operations appropriations bill totaled $17.9 billion falling to $16.3 billion in fiscal year 2003. This authorization provides for $15.3 billion for foreign operations for fiscal year 2004 and $1 billion for the MCA. The United States spends less than 1 percent of our budget on foreign aid which is barely 0.1 percent of GDP.

Thus, I applauded President Bush's initiative to begin to restore the foreign aid budget to the high water mark of the cold war years and increase foreign assistance spending by $5 billion over the next 3 years.

The fiscal year 2004 budget resolution passed out of the Budget Committee, however, cut $1.1 billion—including $1 billion to the MCA—from the President's request for the International Function 150 Account. So, Senator LUGAR and I introduced, and the Senate passed, an amendment to restore those funds.

National security is not just about ensuring we have the most advanced weapons and the best trained personnel. We must make the same commitment to our international affairs budget and use all the tools at our disposal to prevent terror and avoid more costly military interventions in the future.

I, for one, believe that we should provide additional resources beyond the President's request; $5 billion over 3 years is a good start but, in my view, not near enough.

But I felt we should at least match what the President himself has requested for his own initiative in its first year of existence. Now is not the time to take steps backwards or shy away from larger commitment.

In addition, we should provide full funding for our existing foreign aid programs which have been proven to reduce poverty and increase economic

development. Many countries will fall outside the bounds of the MCA, and we can not afford to leave them behind.

I believe the MCA and our overall international affairs budget will help us attack the conditions that foster terrorism in the developing world: poverty, hunger, illiteracy, and illness.

Terrorists prey on the hopelessness, anger, fear, and alienation of the poor and provide an easy way out of the misery of the developing world. The MCA and the international affairs budget, by providing education, health care, shelter, and food, will help promote tolerance, understanding, and political stability.

We send the wrong message when we devote billions of dollars for national defense but fail to provide the resources for a new, significant foreign assistance initiative.

We must demonstrate to the world that the United States is serious about reducing global poverty through a robust and substantive foreign aid budget. I urge my colleagues to join with me in making full funding for all of our foreign assistance initiatives a priority.

Mr. NELSON of Florida. Mr. President, the Senate Foreign Relations Committee included in S. 925 an authorization for $2 million for the Dante B. Fascell North South Center.

The Dante B. Fascell North South Center at the University of Miami is a public policy studies center that is dedicated to the analysis of complex global problems, with special emphasis on the Western Hemisphere. The center's research encompasses key areas such as trade and economic policy, migration, democratic governance, security, corruption, the environment, and information technology. Since its inception in 1984, the Center has become a valuable national and hemispheric resource, a focal point for cooperative study and an adept coordinator of international projects. It will remain so, and I hope it will continue to be a prominent focal point of Western Hemisphere studies.

Congressman Fascell dedicated his career to improving relations with countries in the western hemisphere, lifting the people of these nations up. He understood how the culture of South America, Central America and the Caribbean is embedded in Florida culture, and embraced it. It is in this spirit that we honor his memory by providing resources to this Center.

Mr. LUGAR. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, the leadership on both sides of the aisle have been in conversation. For the benefit of our colleagues, so they can plan for tonight and I guess begin to plan for tomorrow, I will state where we are.

It is important that we move to the appropriations bills. The intent was to do everything possible to finish the bill we have been on for the last 2 days, but we have not been successful, although very close. We plan on moving to the legislative branch appropriations bill shortly. We have been working over the last hour to put together—which we have done successfully—a finite group of amendments from both sides of the aisle. We have them written on a piece of paper and have made a decision to work off that list once we return to the bill we have been discussing today.

The intent very shortly is to set the current bill aside, go to the legislative branch appropriations bill—Chairman STEVENS will be doing that shortly—followed by the military construction appropriations bill. Following that, we will return to the State Department authorization.

In terms of voting tonight, we likely will be voting later tonight, although until we get on the legislative branch appropriations bill, I cannot say for certain that we will. The intent is to be voting tonight to complete that bill and to go on to military construction tonight as well. That is the intent.

For planning purposes, over the next 2½ hours we expect to have no rollcall votes and ask people to stay in touch with their respective sides in terms of plans after about 8:30 tonight for rollcall votes.

I do hope we will be able to return to the State Department authorization bill as soon as we complete the other two. Until we address the issues and see how many amendments we have on legislative branch and military construction, I cannot say with certainty whether or not we will be returning to that tomorrow, but that is the intent. The intent will be to finish that bill tomorrow.

That is the general understanding as to what the plan will be tonight.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. First, with regard to the State Department authorization bill, I think we have made a lot of progress this afternoon. In defining more explicitly the list of amendments that are likely to be offered, it is not a lengthy list and I think we can work through them. I appreciate the cooperation of so many of our Senators.

I will repeat what I have indicated to the majority leader, that many of our colleagues who have submitted their amendments for this list do so with an expectation that they will have an opportunity to have a vote on or in relation to their amendment. Obviously, we are going to have to attempt to accommodate that expectation as we work through the list.

I think this is a wise decision and a wise course of action with regard to setting the bill aside temporarily because I know the time constraints under which the Appropriations Committee is working.

I will say we have very significant reservations on the part of some of our colleagues—I know Senator BYRD has expressed more than once on the Senate floor his frustration with late night sessions and votes, and I am sure, were he here, he would express that frustration again. I do believe we have to continue our work, and perhaps we can arrange ways in which to address that concern.

As I understand it, we have a handful of amendments to be offered to the legislative appropriations and supplemental bill. I think definitively there are four amendments at this point. So we ought to be able to work through those reasonably quickly. I know of no amendments to the military construction bill at this point.

So we ought to be able to work through these, perhaps even stacking the votes for tomorrow morning.

In any case, I hope that Senators who have amendments will come to the floor to accommodate the consideration of these bills in a timely way. We want to finish our work so that we can move on.

I appreciate the work that has been done and the effort that has been made to get us to this point. I hope we can have a productive evening.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to review, the plan will be to shortly go to legislative branch appropriations. We will not have any rollcall votes over the next 2½ hours.

Mr. STEVENS. Will the majority leader yield for a question? Could we get an agreement now that the amendments that are to be presented to the legislative branch bill be presented tonight, the debate finish tonight, and we will vote tomorrow on them—not have any rollcall votes tonight but have all the amendments be brought before us tonight and the arguments start and we will schedule the votes for tomorrow morning?

I know there are several Members who have talked to me and they have other events. This is sort of surprise. We are trying to get the bill finished by tomorrow. If the leader would agree, we would get consent that all amendments must be filed and we will debate them tonight—however late it takes—and vote on them tomorrow.

Mr. DASCHLE. Mr. President, I am quite sure we would be able to enter into such an agreement, but I want to check with those Senators who have amendments to offer. That is a very wise course of action and with a little checking, I think we can enter into such an agreement, but we would have to check.

I also note I have been asked the question, Will there be votes tomorrow morning? I assume there will be votes tomorrow morning, so Senators should be prepared to come tomorrow. I defer

to the majority leader for a definitive answer to that question.

Mr. FRIST. Mr. President, as I have said since Monday, our intention is to vote tomorrow morning. As you can tell from the comments in the last few minutes, there are a lot of people who do not want to vote tonight. They do not want to vote tomorrow. We have a lot of work to do. The appropriations bills are critical to address. The plan will be to vote tomorrow for sure. I don't know how late in the day it will be. The intention would be to finish as soon as reasonable tomorrow.

With that, in terms of the request, we will consider as to whether or not we would be able to lay over the votes tomorrow morning and have all the debate tonight. We will consider that. I don't want to commit to that although I will commit to having no votes in the next 2½ hours. We will work together, and if at all possible be able to stack those votes in the morning.

Ms. LANDRIEU. Will the leader yield for a question?

Mr. FRIST. I am happy to yield.

Ms. LANDRIEU. There was a very important discussion that took place earlier today on the emergency appropriations bill. The chairman has been very cooperative in working through some of the amendments we might have. I know we are on short time and we want to move the bills.

Is it the leader's understanding we will get an opportunity to debate and offer amendments on the emergency appropriations bill, perhaps not voting tonight, but in the morning?

Mr. FRIST. That would be the intention for tonight. We will be able to continue tonight, and as to whether or not we will be voting in the morning we will discuss among ourselves.

Ms. LANDRIEU. And perhaps even in the morning because there is an issue very important to Louisiana that needs to get resolved.

Mr. FRIST. We will work with both sides of the aisle. My objective is to get to the supplemental as soon as possible so we can address these issues. Once we get to it, no commitments have been made at this juncture in terms of the number of amendments and as to whether or not we will finish all debate tonight, which would be nice, so we can vote in the morning, or continue debating tomorrow.

Ms. LANDRIEU. I thank the leader.

Mr. SESSIONS. Will the majority leader yield for a question? I don't know where we are on what is being propounded before I got here, but I am concerned about the supplemental; some of the items that have been made part of that I do not think qualify—in my judgment, at least—as emergency. Will we have opportunities with any proposal being floated here that would eliminate the opportunity to have votes on that matter?

Mr. FRIST. No, we will not and there is no unanimous consent being propounded. We have had discussions and we will have.

Right now my only intent is to move off the State Department authorization and get to the bill the Senator is concerned about. We can have discussions about that.

Now, so we can move off of the State Department authorization, we have a statement?

Mr. DASCHLE. I know Senator DORGAN has been waiting patiently to make some comments with regard to an amendment he had offered. I think that is the only remaining piece of business we have on the State Department authorization bill today.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1198

Mr. DORGAN. Mr. President, earlier we cleared an amendment on the State Department authorization bill that I want to talk about briefly. The reason I want to do it is I especially want to read some passages from the Wall Street Journal today, an article by a man named Roger Thurow. We are deeply indebted to the article he has written about famine in Africa.

The amendment passed today provides the requirement for the Commodity Credit Corporation to authorize another $250 million, which the Senate had previously done, incidentally, on the supplemental bill previously. We authorized $500 million in food aid to Africa to respond to the desperate famine that is occurring there. That was cut in conference to the $250 million. This additional $250 million will reach, then, the same level that we previously agreed to in the Senate.

It will mean additional food, grain will move from America's family farms to Africa, to those in desperate need of food. I think it is very important to do this. It does respond to famine, to starvation, to the needs of people who are in desperate straits, and does so by using what is an asset in this country, something of significant value, food that is produced on our family farms.

We are told these days as farmers drive their trucks to the elevator with a load of wheat, barley, or other grain, that food has no value; prices are collapsing. In a hungry world, it has substantial value. We ought to be using the Commodity Credit Corporation to help respond to the famine and starvation that is occurring in Africa.

I will read just a part of this article. There are some 11 million people at risk at this point who do not have enough to eat, who go to bed with an ache in their belly, some of whom are dying every day. Let me read part of this article because it is such a gripping firsthand description of what it is we are trying to do. Myself, Senator DASCHLE, and Senator LEAHY offered the amendment that was accepted just a bit ago. I say thanks to the chairman and the ranking member for doing so because I think it addresses this in a very real way.

The article begins:

[From the Wall Street Journal, July 10, 2003]

(By Roger Thurow)

Their father died in 1999, their mother in 2000, both of them from what social workers and village officials believe were complications from AIDS. Since then, Makhosazane Nkhambule, now 16 years old, has been caring for her four younger brothers and sisters in their one-room mud-brick shack.

They sweep the floor of the house and the dirt yard with homemade straw brooms. They try to patch holes in the thatched roof and plug cracks in the mud walls. They fetch water from a well nearly a mile away. They scavenge wood for the fire. They go to an informal school in a neighbor's house.

Makhosazane says they can do everything they need to do, except feed themselves. ''I would like to plant corn and vegetable, but we have no money to buy seeds or tools,'' she says. Her parents' cattle could have helped with plowing, but they have also died. The garden beside the hut and the two-acre field behind it haven't been planted since their mother died.

For two years, the orphans scrounged what they could, asking neighbors for scraps of food and waiting for relatives in distant villages to bring something to eat. Last year, the United Nations' World Food Program came to Swaziland to distribute food to those suffering from the drought that has gripped southern Africa. Although the Nkhambule children had no crops to be killed by drought, they began receiving the food aid. So, too, did thousands of other households where the adults who had been tending the fields have died. Most of the victims likely died of HIV/AIDS, which, according to government estimates, infects more than one-third of adults in this tiny, hilly kingdom.

The Nkhambule siblings, barefoot and wearing dirty, shabby clothes, embody what is being called an entirely new variety of famine. It breaks the historical mold of food crises, according to people who are studying it. It isn't caused by weather, war, failed government policy or crop disease, all of which prevent or discourage farmers from bringing in a harvest. Rather, this is a food shortage caused by a disease that kills the farmers themselves. Recovery won't come with weather improvement, new government policies, a peace treaty or improved hybrid crops. Once the farmers die, there is no rain that will make their empty fields grow. * * *

Now, I have heard testimony of people who have been to this part of the region who say they find old ladies, old women, climbing trees to forage for leaves to eat because it hurts to be hungry. People are dying every single day. The question is, What can we do about it?

Every day, as more and more die, with 11 million people at risk, 11 million orphans currently living in Africa at risk of severe malnutrition, even as people die, our farmers are told the food they produce in such abundance has no value. That is why the Commodity Credit Corporation has the authority for $30 billion worth of food to be moved to places in the world where it is needed.

This amendment would simply provide for less than 1 percent of it to be added to that which is already on the way, to provide some assistance and relief to those who are suffering.

It is easy, I suppose, for some to ignore this. But when millions of people face famine and illness, the world—and

especially our country—cannot turn its head. We know what we produce in great abundance has value. It has value to help people around the world who are starving.

Again, thanks to Roger Thurow, a reporter who is in Swaziland, for telling us specifically about the ravages of this famine, what it is doing.

We just talked about AIDS in legislation we passed recently. President Bush is in Africa talking about AIDS. The fact is, this famine relates directly to AIDS. These children are hungry. These children are starving—not because it didn't rain but because they have nothing to eat. Their parents are dead. The cattle are dead.

So if we can do this small amount through this amendment I have offered for myself, Senator DASCHLE, and Senator LEAHY, if we can add to this $500 million, half of which was taken out in conference—if we can add the money to make that whole once again, there will be bags of food going to these villages to feed hungry people and our country will do something, again, that not only makes us proud but represents the best of this great country of ours.

I thank Senator LUGAR and Senator BIDEN and my colleagues, Senators DASCHLE and LEAHY. We deeply appreciate this amendment being accepted by the Senate today.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 2004

Mr. CAMPBELL. Mr. President, I ask unanimous consent we turn to consideration of H.R. 2657, the legislative branch appropriations bill; that the text of the bill relating solely to the House remain; that all other parts of the text be stricken; and the text of the Senate bill, S. 1383, be inserted; and that no points of order be waived by this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

Mr. CAMPBELL. Mr. President, I am pleased to bring to the full Senate the legislative branch spending bill for fiscal year 2004. I appreciate the support of the Full Committee Chairman Senator STEVENS and Ranking Member Senator BYRD, and assistance of my ranking member, Senator DURBIN, in this process.

This is my first year as chairman of this subcommittee, and I believe Senator DURBIN and I have done our best to craft this bill to meet the highest priorities of the legislative branch with an allocation that is $190 million below the request level. Chairman STEVENS knows I am not complaining about the allocation—he has been very generous in this allocation given the very tight constraints the committee faces.

The bill totals the allocation level of $3.6 billion in budget authority.

Most agencies and programs have been kept to current staffing levels, with full funding recommended for normal pay and price level increases.

Increases above the current level have been provided in a few key areas, particularly security.

I would like to review the highlights of the bill for my colleagues. For the Capitol Police, funding totals $240 million. The amount recommended would enable them to have on board by the end of the year 1,771 police officers, in keeping with security recommendations made by law enforcement experts. I believe this is prudent and necessary to ensure adequate security for the Capitol complex.

Having been in law enforcement myself, I am keenly interested in making the U.S. Capitol Police the premiere law enforcement agency in this country, and the funds we have recommended help move them in this direction with resources directed at not only increasing the force size, but improving the administrative infrastructure of the agency to ensure it is managed properly, and adding important new programs such as a mounted horse unit.

For the Architect of the Capitol, funds total $358 million, which is $89 million below the request, owing to the deletion of several major projects which should be deferred until completion of the Capitol Visitor Center—the highest Architect of the Capitol priority at this time.

Our recommendation includes $47.8 million for the Capitol Visitor Center, which represents the General Accounting Office's estimate—in conjunction with an independent consultant with expertise in construction cost estimating—of the cost to complete the project.

Some have called for cutting corners on the project rather than appropriating the funds needed to get the job done right. I don't agree. I am new to this project but I am a big supporter. It promises to enhance security for the Capitol complex, while also ensuring a much better educational experience for visitors who come to the Capitol.

This Visitor Center was planned and preliminary work was done before 9/11. No one could have predicted that changes would have to be made after 9/11 because of an increase in the security requirements.

While there have been some problems with this project to date, and some cost overruns due to unforeseen site conditions and unexpected costs related to utility work, we plan to monitor the project closely to ensure that costs are kept under control, the schedule is adhered to, and quality is not jeopardized.

Moving on to the Library to Congress, there is a total of $523 million included in the bill, $19.6 million above the FY03 level but $17 million below the request. Funds are reduced from several program areas slated for increases, owing to budget constraints, but the Veterans History Project is fully funded at the increased level of $1.3 million and no program is cut below current levels.

For the Senate, a total of $718 million is recommended, $27.9 million below the request. Reductions are primarily from the Sergeant at Arm's projects which can be deferred until FY05.

To my knowledge, there have been no amendments filed on either side of the aisle for titles I and II.

Mr. STEVENS. Mr. President, we are awaiting the Senator from Nevada.

Let me state for the Senate that it would be my intention to move to close debate and consideration of any further amendments to title I and title II following the statements of the two managers of the bill. We have no notice of any amendments by any Member wishing to offer to title I or title II. Title III is the portion of the bill that contains the supplemental provisions and that will be open to debate.

We will later ask consent that all amendments and all motions to title III be offered tonight and debated tonight with the votes to occur on any matters which will be brought to a vote tomorrow morning. That is not the agreement yet but that is the agreement we will seek.

I yield the floor.

Mr. REID. Mr. President, I would be happy to agree to that at this time. I agree that titles I and II be closed and I be allowed to give a statement in support of the bill itself with no amendments in order to titles I and II.

Mr. STEVENS. Mr. President, if the distinguished Senator from Nevada would allow us, we just put out the hotline on both sides. I want to make sure no one has objections until we get final consent.

Mr. REID. Mr. President, one of the most pleasurable times of my Senate career was the 4 years that I served as chairman of the Appropriations Subcommittee on Legislative Branch. Working with Senator NICKLES and Senator SLADE GORTON of Washington, we were able to accomplish that which really had a meaningful impact on this body.

When Senator DURBIN, who is tied up, as he should be, in the most important asbestos legislation now before the Judiciary Committee, asked me if I would cover this bill for him today, I am doing it with pleasure because it brings back memories of working on this bill.

We did good things for the Library of Congress. I still have a very close personal relationship with Jim Billington

as a result of what we were able to accomplish in some very difficult times for the Library of Congress.

The Library of Congress is the greatest library in the history of the world. Today, the Library of Congress is the greatest library in the history of the world. It is as a result of what we as a Congress did. We provide money for that.

The General Accounting Office, which is funded through this bill, is the watchdog of Congress for the American people. It has done remarkable things. It is a nonpartisan organization that does so much good. Yet we have cut back the money I think they need. I wish we had more money to give them.

Much of the work is done directly through the committee chairman and the subcommittee chairman. Previously, it was effectively by all Members of Congress.

I think the work I was able to do with my counterparts for the Capitol Police was very important. I don't know, there may be another Member of Congress who was a Capitol policeman. I don't know of one. But I was a Capitol policeman. I worked a swing shift. I came at work at 3 or 4 in the afternoon. I worked 6 days a week. I went home after midnight every night. That is how I put myself through law school. I acknowledge that I wasn't as well trained and the times were not as difficult as they are now. But I was still a Capitol policeman. I am proud to have in my office up on the third floor in the Capitol my badge, No. 236. But I am very proud to be an alumni of U.S. Capitol Police Force.

I am pleased to do this for my friend, the distinguished Senator from the State of Illinois, who is such a good Senator and who has done a remarkably good job in his tenure on this committee, this his second go-around as chairman of this committee.

I echo the thoughts of the chairman of the Subcommittee on Legislative Branch, my friend from the State of Colorado, Senator CAMPBELL.

The bill before us today is comprehensive, thorough, and fair, especially in light of the tight funding constraints we are under this year. This is one of the 13 subcommittees. I wish we had more money. It could be used. There are many things that we need to do that we are not able to do.

As has been pointed out, there are a number of things that this subcommittee is doing and has done.

I want the RECORD to reflect and I want the chairman of the subcommittee to know how much I support the work on the Visitor Center. The record is quite clear that I started supporting this when I was chairman of the Legislative Branch Subcommittee. I am sorry to say, I, alone, was unable to get this done. The real impetus for accomplishing this was the tragic death of two Capitol Police officers. But for their deaths, we would not have been able to be in the position we are now in with this Capitol Visitor Center. But we are here.

We have had complaints from some of my friends, as a matter of fact, who serve in the Congress of the United States, who complain about the funding for this not being adequate, the original number. Well, any one of us who drives through here sees the tremendous engineering feat that is taking place in the front of this historic building. It is a huge job. I go out at least once a week and watch them. I suggest every Member of Congress go out and watch what they are doing out there.

Why are they doing it? To make this Capitol safer than it was before this facility began to be built. To make it more convenient for people who want to visit the Capitol. In the summer and winter, when people want to come to this building, they stand outside. There is no place for them to go to the bathroom. There is no place for them to get a drink of water or have a snack.

The Visitor Center is going to provide that. It will also allow security checks to be made so people don't come into the Capitol carrying things they shouldn't carry and doing bad things to people they shouldn't do.

So I want the chairman of this subcommittee to know that I am on board. I will defend, in any way I can, the work that is being done in front of this building. It is important for our country.

When I first got this subcommittee, I could not believe the east front of the Capitol of the United States was a parking lot, a blacktop parking lot. We were able to do a few things and get the cars moved off slowly but surely. That was a struggle. But I will do whatever I can to make sure this Capitol Visitor Center is completed and is as nice as the Capitol itself. We want the Visitor Center to be as nice as the Capitol itself.

If the people in charge—namely, the Architect of the Capitol—are allowed to go forward, it will be as nice as the rest of the Capitol. It will be something of which we can all be proud. And people coming here, who will be able to walk into this beautiful Capitol, will be able to see films of the Capitol itself. They will be able to pick up tour guides there. There will be a place for them to go to the bathroom or have a sandwich, if they want one, buy souvenirs. And they will not be asking: The Capitol of the United States, this ugly blacktop with cars parked all over it? That is going to change. So I am happy to lend my voice as a cheerleader for the Capitol improvement we will have out front.

I am glad to see this bill includes $33 million over last year's level for the Capitol Police. Again, that probably isn't enough, but by the end of fiscal year 2004, the Capitol Police will have 500 more officers than they did on September 11, 2001—not enough but certainly a step forward.

So, Mr. President, I am talking far longer than I should have. But I really do have some sentimental attachment to this bill. It is not often I think of it, but the subway we ride from the Hart Building over to here is something I was able to work on when I was chairman of this Legislative Subcommittee. And we did not do it all at once. In fact, we put a little bit here and a little bit there, and pretty soon we had enough money to take care of the subway. It was $16 million.

The reason I worked so hard on that: I can remember the old cars you can still see going to the Russell Building. A man in a wheelchair tried to get in that old subway car. He couldn't do it. They brought him up there and put his legs—he was having spasms in his legs. They couldn't do it. They couldn't put him up there, no matter how hard they tried. Now someone in a wheelchair just moves into the subway car, no problem at all.

So, again, Mr. President, I have talked too long on this most important legislation we have before us. But I am proud of the years I spent working on the Legislative Branch Subcommittee. And I say to my friend from Colorado, he has been a member of the Appropriations Committee for some time, and I know he has been involved in other subcommittees, and there have been some changes made, and this is the first year he has been chairman of this subcommittee.

I say to the Senator, I hope you will look back on your service on this subcommittee with feelings as I have for what I really believe is the good that comes from this subcommittee. It was—I repeat for probably the third time—a joy to work on this subcommittee. I look back with such fond memories at the time I was able to spend on it. And, frankly, I am kind of glad Senator DURBIN was tied up so I could reflect on my service as a Senator working on this subcommittee.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Let me say, in closing, I certainly appreciate my friend's support. We have a great deal in common. We both have sports backgrounds. We are both westerners. We both have law enforcement backgrounds. So we have worked on a good number of things together. And his voice in support of this bill is really appreciated.

I guess he recognizes, as I do, that although many people in America do not know very much about this bill, everyone who comes to the United States Capitol, sooner or later, is affected by the money that is in this bill.

I know, as my friend knows, there were many times we came to the Capitol—before that hole was in the ground out there—in the wintertime, with drizzling rain, drizzling freezing rain, and there would be people lined up out on the tarmac, the blacktop, shivering, freezing, just waiting for a chance to get in to watch these proceedings. That is not right.

When we get done with this Capitol Visitor Center, as my friend and colleague from Nevada said, they are

going to have a place to learn a lot more about their Capitol and the institution in which we now serve. I think we will all be better served by finishing this Visitor Center.

I just want to tell the Senator from Nevada how much we appreciate his support.

I have no further comments, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we have not had any response to the request concerning title I and title II. So at this time, I ask unanimous consent that title I and title II be considered closed and not be available for amendments or motions or points of order or any action at all as we consider the rest of this bill. That leaves title III which is the supplemental portion available completely for consideration of the Senate.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, without objection, it is so ordered.

Mr. STEVENS. Mr. President, I call to the attention of the Members of the Senate that in this bill we have before us now—the House bill, as amended by the Senate bill—we have title III which deals with supplemental emergency appropriations for 2003.

In this bill is $1.550 billion for the Department of Homeland Security for disaster response. It is estimated that the disaster relief fund will exhaust its current funding by the end of this month, July 2003, in part due to the higher than expected costs for disaster relief, including funding for tornadoes and winter storms. These additional resources are needed to continue to provide necessary emergency assistance.

There is also a NASA provision that provides an additional $50 million for the National Aeronautics and Space Administration. These funds will cover additional and unanticipated costs associated with the recovery and investigation of the Space Shuttle Columbia accident, such as collection and reconstruction of the orbiter Columbia, and computer analyses of potential failure scenarios and impact testing of space shuttle wing components.

We also have an amount in this bill for firefighting. We ask the Senate to provide an additional $253 million to the Forest Service for wildland fire suppression and emergency rehabilitation of burned areas to ensure sufficient funding for the 2003 fire season.

We also ask for an additional $36 million for the Bureau of Land Management for wildland fire suppression and emergency rehabilitation of burned areas to assure that sufficient funding is available for the 2003 fire season.

These funds will bring the total fiscal year 2003 funding available for wildlife suppression to a level equal to the 10-year average, which includes the severe 2002 fire season.

I am on notice there are several amendments we will be considering. I ask my friend and colleague from West Virginia if he has any opening statement to make concerning the supplemental request in this bill?

Mr. BYRD. I have none.

Mr. STEVENS. I thank the Senator.

I know the Senator from Nevada has an amendment I join in offering. I remarked today at the hearing that we had in the Appropriations Committee on the Interior appropriations bill, 2.2 million acres of my State burned last year. We have a series of very devastating fires going already. One of the worst problems we have is the infestation of insects in trees that now have been dead for a couple of years. If a fire starts in those areas now, we will have a catastrophe of unknown size. I join the Senator from Nevada in offering an amendment to provide additional funds to deal with fire prevention as well as the firefighting amendments we have in the bill already.

I yield to the Senator from Nevada.

The PRESIDING OFFICER. The assistant Democratic leader.

AMENDMENT NO. 1201

Mr. REID. Mr. President, the distinguished President pro tempore of the Senate is very kind. I send an amendment to the desk on behalf of Senators STEVENS and REID for Senator FEINSTEIN and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. FEINSTEIN, Mr. DASCHLE, and Mr. STEVENS, proposes an amendment numbered 1201.

The amendment is as follows:

(Purpose: To appropriate an additional $25,000,000 for emergency actions to reduce the threat to human safety arising from the threat of catastrophic fire in dead and dying trees)

At the appropriate place, insert the following:

SEC. ____. (a) ADDITIONAL AMOUNT FOR COOPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title __ of this Act under the heading ''_____'' is hereby increased by $25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title __ of this Act under the heading ''_____'', as increased by subsection (a), $10,500,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

(1) clearing of evacuation routes;

(2) clearing around emergency shelter locations;

(3) clearing around emergency communication sites; and

(4) clearing buffer zones around highly populous communities in order to prevent fire sweeping though such communities.

Mr. REID. Mr. President, I am confident and hopeful that the committee can work something out on this matter before final passage. Senator FEINSTEIN is heavily engaged. She is an important member of the Judiciary Committee. She has been involved in that every step of the way. This is legislation that involves so many very important issues. It really would have been very hurtful to the committee and the movement of that legislation not to have Senator FEINSTEIN come over here and offer this amendment. As a result of that, during the last vote, she spoke to Senator DASCHLE and me and asked if we would cover her. This is something I am very happy to do, knowing how strongly she feels about this and the difficult problems that exist in California with the beetle problem. Senator STEVENS has indicated that exists all over the country. This amendment will maybe not take care of everything but will take care of a lot of it. I hope the committee would strongly consider the amendment prior to final passage of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Nevada for sending the amendment of Senator FEINSTEIN at my suggestion. The amendment will make money available for a fund that is depleted. That fund is available under this amendment to fulfill the request or attempt to fulfill the request of the Governor of any State to deal with the trees that are dead or dying because of infestation of these beetles. They are not all the same types of beetles but the result is the same. Dead timber is nothing but fuel for an enormous fire, if one gets started in the area of that. That happened in what we call the Millers' Reach fire north of Anchorage. I personally watched it from a helicopter. The sinuosity of that fire just followed right through the dead areas. Then it came back to burn the whole area. Once it started, the fire just kept burning out.

I think the answer is to try to deal with the dead trees as quickly as possible and protect particularly the developed areas as much as possible from these areas. This amendment will allow Governors of any State to request funds to deal with that. Again, this is 2003 money. We are not talking about an enormous sum. This is money for the balance of this year. We hope the bills for 2004 that will come before the Senate later will adequately cover all those items. I join the Senator from Nevada and hope the Senate will approve this amendment. I ask for its consideration.

The PRESIDING OFFICER. Is there further debate?

The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, Mr. President, I want to be very helpful here on Senator FEINSTEIN's amendment because I am sure it is going to a very worthy cause. But I want to ask the chairman, since it is attempting to put money into an account that is depleted, the amendment I am going to be offering will also put money into an account that is depleted, that is empty, for a different purpose but for the same effort, because there is a real problem of levee

rates in Louisiana. I hesitate to object to the amendment or to even oppose it, because I don't oppose what we are trying to do. But I do oppose adding money to a depleted account when we don't seem to be able to add money for an account that is depleted.

Mr. STEVENS. If the Senator would check with her staff, I have already cleared her amendment with regard to moneys to go into that account in a similar way we have done for this beetle problem.

Ms. LANDRIEU. I thank the Senator.

Mr. STEVENS. I ask for adoption of the amendment.

Mrs. FEINSTEIN. Mr. President, there are now as many as 415,000 acres of dead and dying trees on the San Bernardino and Cleveland National Forests and surrounding private lands as the result of drought, decades of fire suppression, and a bark beetle infestation.

Jack Blackwell, the Regional Forester for California, has described this situation as an unprecedented threat to public safety.

There are large mountaintop communities with over 90,000 people total, communities that are completely surrounded by thousands and thousands of deed trees. In addition, the only escape routes are narrow winding mountain roads which are themselves surrounded by dead and dying trees.

The result is that thousands of lives are at risk.

There is some good news, in that San Bernardino National Forest and California Department of Forestry staff agree on the four highest priority tasks to reduce the threat to public safety.

First, they want to clear evacuation routes from the mountain communities. This involves clearing a corridor on either side of major escape roads so people can escape from their communities without being blocked by fallen trees, or the radiant heat of the fire.

Second, they want to clear trees around safety zones like elementary schools and camps. This gives people a place to go if they can't get out of the community.

Next they want to clear brush around communication sites in the forest to communicate with the public and emergency responders.

Finally, they want to clear buffer zones around populous communities, protecting thousands of lives.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1200, AS MODIFIED

Mr. HARKIN. Mr. President, I call up amendment No. 1200 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 1200, as modified.

Mr. HARKIN. 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 transfer education funds that would otherwise lapse to the Title I Grants to LEAs program)

At the appropriate place, insert the following:

Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed $4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: *Provided,* That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: *Provided further,* That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer.

Provided further, Any amounts transferred to the Education for the Disadvantaged account pursuant to the previous paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: *Provided further,* That the Secretary of Education shall use these additional funds to increase those States' allocations under that subpart up to the amount they received under that subpart for fiscal year 2002: *Provided further,* That each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: *Provided further,* That the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

Mr. HARKIN. Mr. President, this is a very simple, fully offset amendment that will restore a cut in title I funding to three States without harming or hurting any other State.

The fiscal year 2003 Labor-HHS appropriations bill that Congress passed in February included a 13 percent increase for title I, the most important Federal program in the No Child Left Behind Act. At the time the Congressional Research Service projected every State would receive a sizable increase over the previous year. But 4 months after the bill was passed, new data from the 2000 census showed that three States would actually get less title I money in fiscal year 2003 than they did in fiscal year 2002. Those three States are Iowa, Maryland, and Michigan. Their total cut in title I funding is $4.4 million.

The Congress did not intend for any State to get a cut in title I. I recently had a meeting with Secretary Paige about this matter. We had a full and frank discussion. He agreed to find an offset from Education Department funds that would otherwise lapse at the end of the fiscal year. Again, let me make it clear, none of the title I money in this amendment will come from any other State. It is fully offset by Education Department funds that will not otherwise be spent. Secretary Paige has signed off on the amendment. So has Senator SPECTER, chairman of the Labor-HHS Appropriations Subcommittee. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am informed this amendment has been discussed with the Department of Education and at this time, the best I can say is I am willing to accept the amendment and take it to conference. This is the first time we have seen the amendment, and it is somewhat complicated. But it goes to a point I understand Secretary Paige has discussed with the Senator from Iowa and it does affect three States. I cannot commit that it will absolutely come out of conference, but I will do my best to hold it. Right now, not having any further information than I have just received, I believe it is worthy of the Senate adopting the amendment so we can take it to conference. And we will work with the Senator from Iowa if there are any comments that come from the administration in the meantime.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I urge that the amendment be accepted.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1200), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous to speak as in morning business to pay tribute to some Californians who were killed in Iraq. It will probably take no more than about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. BOXER are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask the managers if I may speak for a moment about pending amendment. I don't want to call it up at this point. I would like to talk about it for a few minutes.

The PRESIDING OFFICER. The Senator has a right to discuss any matter she wants to.

Ms. LANDRIEU. Mr. President, as we are still working on the amendment, I hesitate to call it up at this point. I

want to talk for a moment about why this amendment is so important. I think what the Senator from Alaska is doing is extremely important, and I commend the administration for putting forth a bill that really helps to address some very serious problems in our Nation because the emergency accounts are depleted.

There are many emergencies occurring in our Nation, from fires to tornadoes. People's lives and homes are at risk. If the Federal Government doesn't act and do it quickly and appropriately, tremendous hardships and difficulties can result. So I am 100 percent supportive, and so are the people in my State, just as is every State that suffers from natural disasters.

I am having a difficult time understanding why there is some hesitation—and the chairman has been very cooperative—to fund or to ask for money to fund the emergency fund—not a nonemergency fund, but an emergency fund that is completely empty. There is no money left in this account. It is a very important account not just for Louisiana, but for Mississippi, Alabama, Florida, Georgia, California, and for all the States in the Union. It is the only account in the Federal Government that allows the Corps of Engineers to fix the levees when they are damaged in anticipation of a great storm that might come, and to prevent the loss of property damage. So we can save money in the bill by providing a little bit of maintenance on these levees. This account is empty.

I am asking for whatever the chairman and the Members of the Senate think we can afford—whether it is $20 million, $30 million, $40 million—to get us through the end of the year so we are prepared when the storms come. And they will come, hurricanes will come.

We just had a pretty tough storm last weekend. There is one out in the gulf as we speak. If I had time, I could put up a chart that shows where it is. There will be storms, and it is predicted to be a very difficult season. We hope and pray and prepare. But the account that helps us to prepare is empty. There is not a dime in this account. Let me repeat. The account that helps the Corps of Engineers prepare levee systems for the whole country—not just Louisiana—is empty.

We are getting ready to pass a bill to protect us from emergencies. Yet this account is empty. I am asking the Senate to not pass this bill without putting some money into this account so that we can build up the levees in anticipation of storms—not after a storm has come through and wreaked hundreds of millions of dollars of damage, but before the storm hits, to be able to repair the levees that have been weakened by rain or by storms that are not hurricanes, tropical storms, or storms that don't rate to be a hurricane, and to prepare the levees to prevent the taxpayers from having to pick up a bigger tab.

That is why I want to spend a few minutes talking about this issue and asking the Senate for its attention. If we can find $25 million to help fund disasters that occur because of dead trees, I think we can find at least half of that money somewhere to preserve the levy system in the country that protects billions and billions of dollars of infrastructure everywhere, not just in Louisiana.

As the chairman and staff are considering what to do, I hope we can find a certain amount of money to make sure we get through the end of the fiscal year or get through a period where on another bill, perhaps energy and water appropriations, we can add some money.

Whether $10 million or $20 million is enough, I do not know. Perhaps the Corps of Engineers which is engaged in this debate can give us some idea, based on weather predictions and patterns, determine what amount will be enough to help us.

This is a huge issue for Louisiana, and it is a big issue for all the States. My people are afraid. They are frightened. The phone has been ringing off the hook because of the storm from last week. When I called the Corps of Engineers, which I typically do after a storm, and said, Could you please send some crews to help us with the levees, the people are very frightened, they said to me: Senator, there is no more money. We would love to send the crews, but there is no money in the account.

I said: Do not worry about it; there is a bill coming through the Senate for this exact purpose—only to find out maybe the bill is not for this purpose. That is why I am going to offer this amendment in a few minutes, sometime tonight, and hopefully we can get it resolved.

The Senator from Nevada, because he is the ranking member on the Energy and Water Development Subcommittee which funds the Corps of Engineers, knows how important this particular fund is for the regular maintenance of a levee system, not after the Governor calls it a disaster. This is for maintaining the levees before the storms hit to prevent damage, to minimize damage, and save people's lives and property.

There are other accounts that kick in once something is declared an emergency. That is not what I am talking about. There is no money in the account right now as we speak to prevent and repair the levee.

The Senator from Alabama on the floor. I know he is going to speak on another subject. But there is no money to repair levees in Alabama, which is a coastal State, or any State. The account is zeroed out.

I yield the floor and reserve the right to offer my amendment later tonight.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, there is still $330,000 left in this account. It is a strange account. There has been extraordinary activity in this account because of the tornadoes that hit the Midwest this year. That is why it is now depleted. There is $60 million in the 2004 bill which will be coming before the Senate next week.

We are dealing with a question of how much money might be needed for prevention in the period between the time this bill is enacted and signed, which we hope will be sometime before the end of this month. At most, we are dealing with 8 weeks of money that might be called upon on the basis of a Governor's request and a Presidential declaration of disaster in taking preparatory steps to prevent further damage.

Again, I am on notice that at least two other Senators intend to ask for similar money. I am told by the people who handle this money that the most that could be used is $10 million. I am prepared to offer an amendment—I will do it or ask the Senator from Louisiana to offer it—that will put $10 million in this fund to remain available for expenditure. That means, if it is not used in 2003, it will carry over to 2004.

Right now there are no demands, obviously, because there is still some money in the account. In order to be safe, we are willing to ask for an additional amount of $10 million for this fiscal year, 2003.

I inquire, does the Senator want to offer an amendment for $10 million or shall I offer it?

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am happy to let the Senator offer that amendment. I will support the amendment, but the last telephone call I made to the Corps emptied their fund of $600,000, and if there was $300,000 in that account this morning, it should be empty now because the money is heading to Louisiana to fix some levies.

I thank the Senator for his help.

AMENDMENT NO. 1206

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1206.

Mr. STEVENS. 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: Making emergency appropriations to the Corps of Engineers for emergency assistance)

At the appropriate place, insert the following:

''*: Provided further,* That for an additional amount for ''Flood Control and Coastal Emergencies,'' for emergency expenses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 USC 701n), $10,000,000, to remain available until expended:''

Mr. STEVENS. Mr. President, this is for the Corps of Engineers flood control

and coastal emergencies fund. It will be available immediately upon the signature of the President.

This bill does have a clause that makes funds in this bill, title III, immediately available to the President for disbursing.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 1206) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, while the Senator from Louisiana is here, I say to her, I think she did the right thing. I am the ranking member on the Energy and Water Development Subcommittee. The President requested $75 million for this account this year. Senator DOMENICI and I are going to mark that bill up and pass it out shortly.

As the Senator from Alaska said, if, in fact, there is an emergency, we have this money in there, of course. Also, if anything goes wrong within the next 60 days before the 2004 bill passes, money can always be used from FEMA if there is an emergency. For the people of Louisiana, I hope there is no natural disaster but if there is, it is not as if there is no way of helping them.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1202

Mr. SESSIONS. I thank the Chair. Mr. President, I appreciate the opportunity to make some remarks. I thank Senator STEVENS for his courtesy in allowing me to have this time.

I ask that the pending business be set aside, and that the amendment I previously filed, No. 1202, be called up for debate.

The PRESIDING OFFICER. There is no amendment that needs to be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1202.

Mr. SESSIONS. 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 eliminate the additional amount for programs under the National and Community Service Act of 1990)

In title III, strike the following: ''*Provided further*, That for an additional amount for 'Corporation for National and Community Service, National and Community Service Programs Operating Expenses', for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the 'Act') (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program) and for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), $100,000,000, with funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended:''.

Mr. SESSIONS. Mr. President, the amendment I have offered will remove the $100 million that is contained in the emergency supplemental section. I think it is wrong to include it in the emergency supplemental appropriations bill. It apparently is not an emergency, and I wish to talk about that a little bit. It is certainly not good public policy for us to do this.

There are people in this Congress who support AmeriCorps and there are those who oppose it. My concern at this point deals with how this money has been added and whether or not it should be properly added.

The emergency supplemental that has been made part of the legislation moving forward tonight involves the expenditure of Federal money outside the budget we approved. I serve on the Budget Committee. We worked hard to develop a budget of which we felt proud and on which we could agree. Frankly, with the deficits we are facing, I thought the budget was a little higher than I would have liked to see but it had a modest growth across the board in all areas.

We agreed on it, and it passed in this Senate. We understand that legitimate emergencies occur during the year. We understand that when those emergencies occur, it is appropriate for Congress to appropriate emergency funding for them. This emergency funding agreement has some valuable items in it. We have a number of emergencies today but there has been a tendency—and I would say it is not a good tendency—to add to the emergency supplemental general items of appropriation that people would like to see be passed and be paid for.

I remember talking with a senior member of the House of Representatives. We wanted to get a bill passed that would help Alabama. I talked to him about how we might do this. He said: Jeff, we need to look for a supplemental.

I said: Well, good.

He said: Do you know why?

I said: No.

He said: The reason you want a supplemental is it does not count against the deficit.

Well, I thought that was kind of amusing. I said: What do you mean it does not count against the deficit? It is money we spend.

He said: I do not know. It is just money that does not get counted against the deficit.

What he really meant was it does not count against the budget. If you spend something extra, under a normal appropriations bill and you exceed the budget, or you should stay within your budget, the appropriators try to do so and if they spend money on one item they have to save money on something else. They have more requests than they can fund so they take the money and they reduce it to fund what they want. Some things do not get funded. One great way to get something done that one wants done in their district, that they believe in, that is easy to do, that requires no offsets, no competing against any other appropriations, is to tack it on to an emergency supplemental. Of course, it does add to the deficit. It adds to our debt. It increases our debt. It is real money and it is a real expenditure. It just circumvents the budget process and the integrity of the budget process.

Frankly, a lot of these supplementals ought to be offset anyway. We could find $1.9 billion to offset these emergencies we are funding. I know we did not. We do not have to. This is the kind of emergency bill that we normally face and we normally pass without offsetting. So that is the circumstance we are in.

I would like to go into that a little bit further. I want to say this before we get into the details of this amendment: Tomorrow is cost of government day. Cost of government day is a day in the calendar year when Americans have paid their share of Federal, State, local tax, and regulatory burdens. This year cost of government day is 4½ days later than last year. This means that from the beginning of this year, Americans have been working for the Government and will not stop working for the Government to pay their taxes until tomorrow. That is a big deal.

One of the best ways we have to maintain some control over spending is the budget process. This supplemental is outside the budget process. So I am concerned about it. So $100 million, that makes us work just a little bit longer this year than we would have otherwise. By passing this amendment, we work a little less for the Government this year than would otherwise be the case.

I will go a little further. The AmeriCorps appropriation does not belong in title III to an emergency bill. Let me say why. Look at the bill itself. Here are the legitimate emergency fundings that are in this bill: $1.55 billion for disaster relief and emergency assistance for fires and those kinds of events. That is important. That is a legitimate emergency, I think. At least historically we have considered it so. There is $50 million to cover expenses for responding to the Space Shuttle *Columbia* accident. NASA has incurred some substantial costs as a result of that. This will not fully reimburse them for that but it will be a help. There is $289 million for wildlife fire suppression and emergency rehabilitation activities. So I can understand those. Those are legitimate designations. While I would like to see us have offsets for that within the budget, that is not going to happen.

However, during the markup of this supplemental, without any real debate the committee agreed to an amendment to provide $100 million in emergency supplemental funds for AmeriCorps not requested by the President. The President requested emergency funding for these other items. His budget people reviewed them carefully. The funds and numbers they asked for were subject to some scrutiny there. So in this emergency category, we have disaster relief, space shuttle accident, wildfires, and AmeriCorps. I do not think it belongs on this list.

I see the value in AmeriCorps but I have been concerned about it for some time as not being a well run agency. I have not led a fight against it on the Senate floor but I have had some serious concerns. They have been shared by a very knowledgeable person who cares about AmeriCorps and who cares about helping people in need.

I want to read from a press release from Congressman JIM WALSH, who is chairman of the House Appropriations Subcommittee on VA/HUD and Independent Agencies with oversight over AmeriCorps, the national service program.

This is a committee where this ought to be dealt with. It ought to be dealt with in our appropriations bill from our committee that deals with these very agencies. I want my colleagues to listen to the extraordinary comments that Congressman WALSH makes. Frankly, when I raised my objection to this addition to the emergency bill, it was based primarily on the process concerns and my generalized concern about the efficiency of AmeriCorps. I did not realize AmeriCorps had misbehaved as badly as it has. This is what Congressman WALSH said:

> I have been a strong and consistent supporter of the AmeriCorps program throughout my tenure in the United States Congress. Hundreds of volunteers have accomplished some amazing things in communities across my home State of New York. As a returned Peace Corps volunteer—

He is talking about himself—

> I recognize and appreciate the value of this service program for local communities, program participants and our Nation at large. In fact, I was a supporter of its mission and opportunity the day the program was signed into law by President Clinton, and remain a steadfast supporter today.

Now I would like to share the concerns of this strong supporter. He says this:

> However, AmeriCorps has been sadly plagued by poor management and weak financial oversight by program managers in Washington since its inception. Repeatedly, AmeriCorps administrators have overestimated capacity and underestimated available resources. This Congress has repeatedly instructed AmeriCorps to reform its management and to improve its accounting procedures, all the while working to live up to the commitments to its current participants.
>
> Most recently, just two months ago this Congress appropriated an additional $64 million in supplemental funding to close another budget gap, this time to cover agency overspending of funds clearly designated to cover existing volunteers' educational stipends.

So he says just 2 months ago we appropriated another $64 million to cover overspending by this program. Why do we need extra money? Because they overspent. They mismanaged and they came back 2 months ago and got $64 million. That is not enough. They want another $100 million.

Quoting Congressman WALSH, this supporter of AmeriCorps:

> In the fiscal year 2003 bill—

That is the bill we are operating under this year—

> Congress provided necessary funding to cover the enrollment of 50,000 volunteers nationwide. Federal law set that as the enrollment limit, and AmeriCorps administrators agreed to it. In response, those same administrators went out and contracted with grantees and local agencies for 70,000 volunteers without the money or the authorization to do so.

I am just quoting Congressman WALSH.

He goes on to say:

> My opposition to the Senate's supplemental AmeriCorps appropriation proposal comes down to an issue of accountability. We shouldn't reward an agency that violates federal law and mismanages taxpayer dollars by providing additional funding until clear and consistent reforms have been enacted. Should these requested funds be appropriated, I have little faith that the existing operation could get the funding out of Washington to local community grantees effectively or equitably by the end of this fiscal year on September 30th.
>
> The positive impact AmeriCorps volunteer programs have across the country makes this a difficult decisions to make, but I truly believe that this action is necessary if true reform is to occur and the agency's long-term stability secured.
>
> At the same time, I look forward to constructing an FY '04 appropriations bill that adequately meets the growing role AmeriCorps volunteers have been asked to play by increasing ranks and expanding opportunities should agency leaders be able to demonstrate their commitment to improving management practices, reforming financial operations, and strengthening grant procedures.

So we are being asked to tack on to an emergency bill an AmeriCorps supplemental of $100 million in addition to the $64 million in supplemental funding added to close another budget gap earlier this year, and we still do not have reform and an understanding that we are going to fix the out-of-control agency. This is an important matter.

I note that Mr. Thomas Schatz, the president of Citizens Against Government Waste, has written. He strongly supports this amendment. He notes that:

> . . . striking anomaly about AmeriCorps is that it is not a volunteer program at all. Rather, it recruits college-age students for paid positions and then uses taxpayer dollars to subsidize the organizations that hire these recruits. Those hired by AmeriCorps participants cost taxpayers a bundle. An August 1995 GAO audit of 93 AmeriCorps grantees found that programs operated by nonprofit, state, and local agencies received about $25,800 in cash and in-kind contributions per participant.

I don't know whether the program is worth it in the long run or whether it can be affirmed in the long run, but what I would say is that it is unlikely the money can be gotten out before the next fiscal year. Why not have the money go through the normal legislative process and be in next year's budget? It is really for scholarships for these people who work; they promise to give them scholarships in the future. They won't be drawing the scholarships down for 2 years more. I don't think we have to do it this year.

The situation with their management is worse than I thought. It should not be on this emergency bill.

If we are going to get serious about spending, this is the kind of thing on which we all ought to be agreed. This is the kind of thing to which we have to say no. If we have to give more to AmeriCorps, let's do it in the appropriations account where we have a budget cap and it will compete against other items in that cap. If it merits additional funding, so be it. If it does not merit it, so be it. Let us not tack it on to the debt. This will be paid for in no other way but by increased debt. I don't think we ought to do it. I feel strongly about it.

I thank the Chair and I yield the floor.

Mr. STEVENS. Mr. President, I shall in a moment make a motion to table the Senator's motion to strike. I want to make sure, before the Senator leaves, that we have an understanding that after having made that motion to table, I shall move to set that motion aside until tomorrow morning, at which time I will ask for 10 minutes equally divided on my motion to table, to be divided in the usual form, which would mean that the Senator from Alabama would have half that time.

Mr. SESSIONS. I thank the distinguished chairman for his courtesies, as always.

Mr. STEVENS. I do not make that motion yet because the Senator from Maryland wishes to speak.

Ms. MIKULSKI. First to the chairman of the Appropriations Committee, will I have time tomorrow morning?

Mr. STEVENS. There would be 5 minutes. I am opposed, so I would be in control of 5 minutes, and I would be sure to allow the Senator from Maryland to have a portion. I would think Senator BOND might have a portion. I would have a minute, and you each would have 2 minutes. You can speak at length tonight.

Does the Senator wish more than that time tomorrow morning?

Ms. MIKULSKI. Of course, I first of all thank our colleague from Alabama for offering this amendment earlier this evening. I would like about 3 minutes.

Mr. STEVENS. We will assure the Senator has 3 minutes.

Ms. MIKULSKI. But I want to make sure my reform-minded colleague, Senator BOND, can speak.

Mr. STEVENS. We will do that.

Ms. MIKULSKI. I understand my colleague from Alabama, who offered this amendment, is in an armed services conference. I say to the Senator I appreciate the demands on his time. I will say some things and have a more elaborate statement, but I thank the Senator for leaving the conference and I thank the Senator for offering this amendment earlier in the evening.

Mr. SESSIONS. I thank the Senator for her comments. I will have to depart.

Ms. MIKULSKI. I state to the Senator from Alabama some facts. First of all, the reason this is being declared an emergency is that if this $100 million is not in this appropriation, 20,000 volunteers will lose their slots. I want to speak about the debacle and the bureaucratic boondoggle at the national corporation.

I say to my colleague from Alabama, he is absolutely right, but what he should know is that the VA–HUD subcommittee chaired by Senator BOND has been in the forefront of reform. I say to our colleague that our April 15 hearing was when we found out that AmeriCorps, National Corporation, had enrolled 70,000 volunteers when we had given them money for 50,000 volunteers. I want the Senator to know that we went ballistic. Also, the Senator should know we called the board the Enron corporation of nonprofits. I later wrote to the President asking for more money, a better board and the resignation of Mr. Lenkowsky.

The criticisms are there, but when you talk about the need for accounting reform and transparency and all of the excellent things, the Senator should know that our colleague, Senator BOND from Missouri, chairman of the committee, has been a leader in shaking up the agency and I have been his very able partner. We have insisted on a new CFO. We have insisted on better procedures. We have been doing this, and I might add, we were doing it, sir, when the House wasn't paying one bit of attention.

It was our oversight hearing that found under this rock were a lot of other rocks, and under those rocks were worms.

We know that. We agree with that. What we do not want to do, though, is punish these volunteers and the communities they serve because of the overenrollment. In all honesty, what you should know is that if this supplemental does not occur, 20,000 volunteers will lose their slots, like in Teach America. There will be 395 in my State. I am sure my colleague will see them in his State.

So while we want to really throttle the bureaucracy—throttle the bureaucracy—we do not want to punish the volunteers and the communities we serve.

We are at a pivotal point—actually a crisis point. So that is why this is in the supplemental. The Senator is well within his rights to raise some of the questions he does. But from the standpoint of the communities and these 20,000 volunteers, this is a pivotal point.

I could go on and tell you about the merits of AmeriCorps. I will not keep you. I will have more things printed in the RECORD. I am very mindful of your time.

But I wanted to say to my colleague from Alabama, his call for reform? We issued it even years ago. We have really been pressing. Actually, I think with this new CFO, you would like him very much.

But I really have to defend Senator BOND's efforts in moving for administrative reform. I want to say these administrative problems also predate President Bush's time. I do not know if the Senator would like to comment on that. My next set of remarks will be about AmeriCorps and the consequences of this. But I wanted to share those facts with the Senator.

Mr. SESSIONS. I thank my colleague. The Senator from Maryland is one of our exemplary Members. She manages details and watches things better than most. I am glad she made some strong efforts to reform this program.

I have two concerns about it. My original comments, when I saw the supplemental on this bill, went to the fact I did not think it should be on this bill. I did not realize the program had really gotten as far off course as it has, and been mismanaged as badly as the Senator just has stated. So it seems to me what we are doing is, by having this on the emergency supplemental, as the subcommittee in charge of oversight over the program that admits it has been out of control, that subcommittee will be able to get extra money to finance that mismanagement without it coming out of its appropriated, allocated amount by shifting it purely to debt, which is what the supplemental is going to be funded by, additional debt. I think it would be better frugal management if we could put it on next year's bill that you probably are already beginning to work on. That would be accountable under the budget.

I am delighted the Senator is working on accountability. I know there is no Senator here who has a deeper commitment to integrity in the process than the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would say on a bipartisan basis we were working for very strong administrative management and fiscal reform. We have worked. It was our committee that uncovered this fiasco in April. We have been, since, working with OMB on management improvement as well as accounting flexibility to get them over the hump. Remember, it is volunteers who will be penalized. It will be volunteers and communities that will be penalized, not the bureaucracy. The bureaucracy gets to keep their jobs. They get to move papers around. It is the volunteers who are going to be punished.

So we have a difference of opinion about how you can get reform. But we did move in accounting flexibility, when this Senate passed it 100 to nothing. We did it in 1 day, the House the next day. The President was able to sign it. But flexibility without funds was a hollow victory. So we need the $100 million to cover the rest of the quarter so these 20,000 volunteers do not lose their slots.

That is why this is in this supplemental. It was our original intent, Senator KENNEDY and I were going to offer this amendment on the floor. But we understood there was sympathy for our position at the White House no commitments, no guarantees, but sympathy. I must say, the President, in his State of the Union, called for a spirit of voluntarism. The outpouring has been tremendous. What happened was they ended up overenrolling. But we are now going to snuff out the spirit of America, snuff out the call to service the President himself requested. We are going to trample on the very ideals these young people want to bring to their communities.

We cannot trample on their idealism. We should not snuff out this opportunity because there is a bureaucratic boondoggle. The ''boon'' ought to go to the ''dogglers,'' not to the volunteers.

So we believe this modest amount of money, in the overall trillion dollar budget, would be a bridge to get AmeriCorps over troubled waters and would ensure these volunteers would have their jobs.

In Maryland, 395 volunteers would be cut from civic work which remodels and rehabilitates homes, tutors kids, works in a variety of ways in these very poor neighborhoods. I personally know what they have done to rehabilitate boarded-up houses.

The Baltimore Reads program, the Teach America program—I could list them. But it is not about programs; it is about people helping.

I am going to tell you the story of a young man named Mark who was an AmeriCorps volunteer who came to Baltimore and went into one of our poor schools where kids were performing at the 25th percentile. When he left after his 3-year stint, they were performing at the 70th percentile. And, because of the voucher he had earned, he was able to pay down his student debt and therefore be free to get a master's in teaching, and he is now a full-time teacher in Baltimore schools because he so loved what he had come to, the sense of accomplishment that had come from being a volunteer in Teach America.

We believe this is $100 million in an emergency supplemental that will help these volunteers do what they want. They will answer the call for service of our own President. The communities and the volunteers will not be punished for bureaucratic mismanagement. We have worked on reform. The reform efforts have been a bipartisan effort. The leadership for greater accountability has been led by our colleague from Missouri and we think we have real momentum now. The White House is

watching over this program. The board is now engaged. I believe a new CEO is on the way. We have the right CFO to help us with the financing accountability. There needs to be this bridge to get these 20,000 volunteers over the troubled waters. This is why I believe it should stay in the supplemental and I hope the majority of the Senate would concur with that.

Mr. NICKLES. Will the Senator from Maryland yield for a question?

Ms. MIKULSKI. To the Senator? Of course.

Mr. NICKLES. I thank my friend from Maryland. I am looking at the language. It says the funds for AmeriCorps, on page 54:

> . . . with the funds for grants to remain available until September 30, 2004, and funds for educational awards to remain available until expended. . . .

Correct me if I am wrong. Almost none of this money will be spent in 2003, and this basically is an appropriation for 2004. Why don't we do this in the 2004 bill instead of now? It doesn't seem to me to fit into the definition of assistance. We only have 2½ months left in fiscal year 2003. I don't know why we are doing this amendment on this urgent supplemental. I don't think it fits that definition.

Could you tell me, is any of this money going to be spent in 2003, and why isn't this really an appropriation for 2004?

Ms. MIKULSKI. I see what the Senator is saying: ''To remain available until.'' That means if for some reason they don't use this, it would expire. That doesn't mean it begins in 2004. It means that it will be available through 2004.

Mr. NICKLES. Madam President, I want to make a statement, if my colleague from Maryland is finished. I want to speak on the amendment.

Ms. MIKULSKI. Let me doublecheck this. We have a little disagreement. I will be right here.

Mr. NICKLES. Madam President, I inform my colleague from Maryland that CBO estimates that there will be zero money spent in 2003.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to compliment my colleague, Senator SESSIONS from Alabama, for raising this amendment. I urge our colleagues to support it.

I tell my friend and colleague, the chairman of the Appropriations Committee, that I understand the publicity that AmeriCorps has received because it has not been managed properly. But this does not belong in this bill. The urgent supplemental for 2003 is to help pressing needs which has to be done now and that can't wait until the 2004 appropriations process.

I have great confidence that the Senator from Alaska and our colleagues in the House are going to finish appropriations bills on time. They will be done by the end of September.

But this particular provision says there is $100 million and it will be available to be spent through the end of 2004.

Incidentally, the educational awards granted after people provide voluntary paid services—kind of a contradiction in terms—but after they provide their public service, they are entitled to reap educational awards equaling about $5,000 per year; that is, for future—that should be dealt with in the 2004 bill. It shouldn't be dealt with now. It doesn't belong on this bill.

In April, we gave AmeriCorps $64 million. There has been some mismanagement, obviously. But we knew about that in April. We gave them $64 million in April. How much is enough?

If this is not going to be spent in 2003 and the Congressional Budget Office, which is our budget arm, says this money isn't going to be spent in 2003—they say most of it won't be spent in 2004.

I think what has happened is some people have read some articles and got excited, saying we will be able to slip this in and we will have an extra $100 million to spend for next year and we will do it under the guise of an emergency. That requires 60 votes. We just gave them $64 million additional money in April. If we find out that this money is available to be spent anytime up through the end of next year, it is really a 2004 appropriation. It doesn't belong in a 2003 urgent supplemental bill that we use for fire, for FEMA, and for real emergencies. It doesn't fit that definition. It wasn't requested by the administration.

I will make a couple of other comments on the program.

When we talk about wanting to encourage and help volunteers, this program costs about $18,000 per year per participant. That is a lot of money. When we talk about volunteers, we are talking about a cost that is very high. It has payments to the individual, it has payments for daycare, it has payments for health care, and it has educational assistance of about $1,000 per year. It ranges from $20,000 to $18,000 per person. That is a lot of money to be paying for ''volunteers'' to do a lot of services that, frankly, most people do for free or most people donate for charity. Most people volunteer and are not paid.

I just make these comments. This is a program that has run amuck and that has not been well managed. Now we are rewarding that poor management and doing it under the guise of emergency in 2003 when we only have 2½ months left in this fiscal year and we are going to add $100 million. CBO estimates that every single dollar of this will be spent not in 2003 but in 2004 or 2005 or later.

To try to stick it in under the guise of emergency for 2003 is very inappropriate. I think it violates the whole spirit of what we call an ''emergency.''

I urge my colleagues to vote for the amendment of Senator SESSIONS.

I might also mention this jeopardizes some things. I want us to be very frugal when we use emergency designations because we shouldn't be doing that.

When we say it is an emergency, we are saying that basically the budget doesn't fly, we don't need a budget, and we are going to have emergencies. But we have a higher threshold of 60 votes for emergency spending. This is thrown in the same category of emergencies, FEMA and firefighting. I don't think that is correct. I don't think that is right.

The best way to solve it would be to adopt Senator SESSIONS' amendment. I urge our colleagues to do so when we vote on his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I now move to table the motion to strike filed by the Senator from Alabama. I ask unanimous consent that my motion be temporarily set aside and that the Senate resume consideration of my motion on Friday at a time to be determined by the majority leader after consultation with the Democratic leader.

I further ask unanimous consent that there then be 15 minutes for debate equally divided in the usual form with not less than 3 minutes of that time being available to the Senator from Maryland and that there be no other amendments in order.

I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I know of no future amendments, unless there is one that has come from the other side. I inquire if there are any other amendments to be filed this evening.

The inquiry is, Why can't we finish tonight? We can't finish tonight because we have a large number of Senators involved in the Judiciary Committee consideration of the asbestos problem. We have been asked not to have the votes. But we have agreed to have them tomorrow morning as early as possible. That would be determined by the leader.

Mr. REID. Madam President, I have been dealing with military construction. Are we about finished with this bill?

Mr. STEVENS. We are at the place where I am inquiring whether there are any further amendments to be offered.

AMENDMENT NO. 1201, AS MODIFIED

Mr. REID. Madam President, I ask unanimous consent that amendment No. 1201 offered by Senator FEINSTEIN be modified. When the chairman and I corrected it, we put the number only in one place and we need to put it in two places.

Mr. STEVENS. I saw that myself. I was about ready to do that.

Mr. REID. I ask unanimous consent that it be modified with the language that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1201), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. (a) ADDITIONAL AMOUNT FOR COOPERATIVE FORESTRY ASSISTANCE.—The amount appropriated by title III of this Act under the heading ''Department of the Interior, Bureau of Land Management, Wildland Fire Management'' is hereby increased by $25,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title III of this Act under the heading ''Department of the Interior, Bureau of Land Management, Wildland Fire Management'', as increased by subsection (a), $25,000,000 shall be available for emergency actions to reduce the threat to human safety in areas declared under a State of Emergency by the Governor of any State due to the danger of catastrophic fire from dead and dying trees including—

(1) clearing of evacuation routes;

(2) clearing around emergency shelter locations;

(3) clearing around emergency communication sites; and

(4) clearing buffer zones around highly populous communities in order to prevent fire sweeping though such communities.

Mr. REID. Madam President, I have an amendment also for the Senators from Utah, Idaho, and Nevada dealing with the problem that I talked to the Senator from Alaska about. Crickets have eaten up parts of their States.

Mr. STEVENS. Madam President, it is my understanding that the amendment is offset completely and it would be appropriate to consider it at the present time.

Mr. REID. That is true.

AMENDMENT NO. 1210

Mr. REID. Madam President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1210.

Mr. REID. Madam 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 for the use of funds of the Commodity Credit Corporation for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho)

At the appropriate place, insert the following:

SEC. ___. MORMON CRICKET CONTROL.

The Secretary of Agriculture shall use $20,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Madam President, it is my understanding that this amendment is offset by transferring money from the Commodity Credit Corporation.

Mr. REID. That is true.

Mr. STEVENS. I have no objection.

Mr. REID. Madam President, Mormon crickets eat nearly anything in their path. They can grow to 3 inches long and travel a mile a day as they eat sagebrush, lawns and crops.

Over the course of the last several years, Mormon cricket infestations have doubled each year in Nevada, and have seen similar rapid growth in Utah and Idaho.

More than 2 million acres of northern Nevada were crawling with these pests last year, the worst infestation in the State for 40 years.

It was an even larger infestation than the 1990–91 infestation that briefly shut down I–80 as the crickets made the road greasy and caused car accidents.

This year, the crickets are hatching three weeks earlier than normal and could more than double from last year's record-setting infestation in Nevada.

While some Federal funding to try to control Mormon crickets has been made available, it falls far short of what is needed.

While State officials understandably spend funds to try to control existing outbreaks, little funding is available to take preventive measures necessary to end this plague of the Great Basin.

My amendment would provide $20 million to be equally divided among Nevada, Utah and Idaho to get this plague under control and eradicated.

The funds would be provided from the Commodity Credit Corporation and would remain available until spent.

Mr. NICKLES. Madam President, I take this opportunity to inform the members of this distinguished body about S. 1383, the Legislative Branch Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides $3.7 billion in new budget authority and $3.1 billion in new outlays for fiscal year 2004 to fund the operations of the Senate and House of Representatives; the Architect of the Capitol; the U.S. Capitol Police; and the Library of Congress. With outlays from prior years and other completed actions, the Senate bill totals $3.7 billion in budget authority and $3.7 billion in outlays.

For discretionary spending, which represents the bulk of the funding in this bill, the Senate bill is $37 million below the subcommittee's 302(b) allocation for budget authority, and it is $43 million in outlays below the 302(b) allocation. The Senate bill is $227 million in BA and $0.9 billion in outlays below the President's budget request.

In addition to providing appropriations for fiscal year 2004 for the legislative branch, the committee-reported bill contains various supplemental appropriations for fiscal year 2003. The fiscal year 2004 concurrent resolution on the budget, H. Con. Res. 95, established levels for fiscal year 2003 and provided an allocation (pursuant to section 302(a) of the Congressional Budget Act of 1974) to the Committee on Appropriations for fiscal year 2003 in the joint explanatory statement accompanying the resolution, see page 103 of H. Rpt. 108–71.

The committee has designated all the appropriations for fiscal year 2003 as an emergency requirement pursuant to section 502 of H. Con. Res. 95. As a result, these emergency appropriations do not count against the committee's allocation.

As a point of information, I would like to call my colleagues' attention to section 302(c) of the Congressional Budget Act. Section 302(c) provides that it is not in order to consider a bill making appropriations for a fiscal year until the Committee on Appropriations has made the sub allocations required by section 302. It appears that the Committee on Appropriations has yet to file 302(b) allocations for 2003. This point of order may be waived, or a ruling of the Chair appealed, with 60 votes.

The fiscal year 2003 supplemental funding in this bill includes $1.889 billion requested by the President as an emergency requirement, and an additional $100 million added by the Senate appropriations committee. I am concerned that very little of the President's request or the additional $100 million is worthy of the emergency designation provided for in section 502 of the H. Con. Res. 95, the fiscal year 2004 budget resolution. The criteria for designation as an emergency are that the funding is 1. necessary, essential, or vital (not merely useful or beneficial); 2. sudden, quickly coming into being, and not building up over time; 3. an urgent, pressing, and compelling need requiring immediate action; 4. unforeseen, unpredictable, and unanticipated; and 5. not permanent, temporary in nature.

While some of this funding may be necessary, it is not ''sudden'' or ''urgent.'' The President requested and Congress approved a $78.5 billion fiscal year 2003 supplemental just 3 months ago, and there is no reason why these requests could not have been considered at that time. Further, the Congressional Budget Office reports that only $37 million of the $2.0 billion in emergency budget authority in this bill will actually be spent in the 3 months remaining in this fiscal year. All of this $37 million is attributable to the budget authority provided for wildfire suppression and the space shuttle. Thus, the balance of this funding could instead be addressed in the regular fiscal year 2004 spending bills.

Therefore, I strongly urge the President and the conferees on this legislation to consider carefully if all of this emergency supplemental funding should be retained in the final version of this bill.

I ask unanimous consent that two tables displaying the Budget Committee

scoring of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CURRENT STATUS OF FY 2003 APPROPRIATIONS

[Fiscal year 2003, in millions of dollars]

	General purpose	Mandatory	Total
Enacted to date:			
Budget authority	844,986	391,344	1,236,330
Outlays	846,706	378,717	1,225,423
Emergencies in the Senate-reported Legislative Branch Bill: [1]			
Budget authority	1,989	.....	1,989
Outlays	37	.....	37
Total that counts against 302(a) allocation to Appropriations Committee:			
Budget authority	844,986	391,344	1,236,330
Outlays	846,706	378,717	1,225,423
302(a) allocation to Appropriations Committee: [2]			
Budget authority	844,986	391,344	1,236,330
Outlays	846,706	378,717	1,225,423
Difference between total and 302(a) allocation:			
Budget authority	.....	.....	.....
Outlays	.....	.....	.....

[1] Section 502(c)(2) of H. Con. Res. 95, the Concurrent Resolution on the Budget for FY 2004, states that any provision designated as an emergency requirement shall not count for purposes of section 302 of the Congressional Budget Act of 1974 and section 504 (relating to discretionary spending limits in the Senate) of H. Con. Res. 95.

[2] H. Con. Res. 95, the 2004 Budget Resolution, set out budgetary aggregates not only for 2004, but for 2003 as well. As a result, the joint statement of the conference committee on H. Con. Res. 95 (page 130 of H. Rpt. 108–71) included the allocations that are required by law (section 302 of the Congressional Budget Act) for 2003 to the Committee on Appropriations.

S. 1383, LEGISLATIVE BRANCH APPROPRIATIONS, 2004—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill: [1]			
Budget authority	3,575	109	3,684
Outlays	3,637	109	3,746
Senate Committee allocation:			
Budget authority	3,612	109	3,721
Outlays	3,680	109	3,789
2003 level:			
Budget authority	3,468	104	3,572
Outlays	3,332	103	3,435
President's request:			
Budget authority	3,802	109	3,911
Outlays	4,495	109	4,604
House-passed bill:			
Budget authority	3,480	109	3,589
Outlays	3,599	109	3,708
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	(37)	.....	(37)
Outlays	(43)	.....	(43)
2003 level:			
Budget authority	107	5	112
Outlays	305	6	311
President's request:			
Budget authority	(227)	.....	(227)
Outlays	(858)	.....	(858)
House-passed bill:			
Budget authority	95	.....	95
Outlays	38	.....	38

[1] This total includes an adjustment for House-only items (from the House-passed bill) that were not considered in the Senate. In accordance with Section 502(c)(2) of H. Con. Res. 95, the Concurrent Resolutions on the Budget for FY 2004, this total also excludes $714 million in emergency outlays from the FY 2003 supplemental appropriations in Title III of the bill.

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MITIGATION FROM DEVASTATING FLOODS IN WEST VIRGINIA AND THE UPPER PENINSULA OF MICHIGAN

Mr. LEVIN. Madam President, Senators BYRD, STABENOW, and I would like to engage in a colloquy with Senator REID, the ranking member of the Energy and Water Development Subcommittee and TED STEVENS, Chairman of the Full Committee.

Mr. BYRD. In West Virginia, torrential flooding is becoming an annual event—since 1993, the State has had 11 federally declared disasters. In this year alone, the State has had two federally declared disasters. In the latest round of devastating flooding in the State last month, 12 counties were declared Federal disaster areas. Homes were damaged or destroyed, and the severe impact on the infrastructure in the southern part of the State—from roads, bridges, water and sewer, to power sources—has brought a normal way of life to a screeching halt once again.

Ms. STABENOW. In May of this year, unusually heavy rainfall occurred in four countries of the Upper Peninsula of Michigan causing rivers and streams throughout the area to swell out of their banks, inflicting severe and widespread damages. The greatest damages occurred in Marquette County where an earthen dike at Silver Lake Basin failed, sending and estimated 8 billion gallons of water cascading downstream through the city of Marquette toward Lake Superior.

The floodwaters destroyed or damaged numerous public and private structures and caused unprecedented environmental and ecological damage within the Dead River Basin and into Lake Superior in Marquette County. Two power generation facilities were damaged. One of the power generation facilities, the Presque Isle plant in the city of Marquette, resulted in shutdown for more than 30 days.

Without power, two iron ore mines, which produce about 20 percent of our Nation's annual iron ore output, were shut down, idling 1,200 workers. Dozens of other area businesses, institutions and private homeowners were also seriously impacted. Three of the four counties affected are impoverished, with a majority of the population over 65 years of age. Local governments simply do not have the capital to pay for the public damages. Without an infusion of Federal aid, Marquette and the other three counties will have a difficult, if not impossible, task of recovering from this disaster.

Mr. LEVIN. Normally, our States would be able to rely on the operations and maintenance account for the corps to help repair damages to public facilities, such as obstructive deposits in flood control streams, bank erosion threatening public facilities, damages to other public infrastructure such as water and sewer facilities. Additionally, funds provided will allow the Army Corps to repair weather-related damages that have occurred to Federal infrastructure. However, it is our understanding that the fund has been depleted for this year.

Mr. REID. Unfortunately, your understanding is correct.

Mr. BYRD. It is our hope that you and Senator DOMENICI, when drafting the Fiscal Year 04 Energy Water Development Act will be able to address these emergencies in these two States, as well as others that have experienced massive flooding in this exceptionally wet spring.

Mr. REID. Senator DOMENICI and I will be marking up the Energy and Water Development Act for Fiscal Year 04 next week in both subcommittee and full committee. We recognize the needs of both States for flood mitigation, including stream and river restoration, bank stabilization, infrastructure repair and restoration, water and sewer repairs, and fresh drinking water in some areas. We will do everything we can to address these needs in the Fiscal Year 04 bill.

Mr. STEVENS. I, too, will do everything I can to support this critical work as we draft the Fiscal Year 04 Energy and Water Development Act.

Mr. LEVIN. We thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1210) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. 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. STEVENS. 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. STEVENS. Madam President, at this time, I think that completes the amendments we know exist for this bill. And I ask the bill be temporarily set aside now so we may move to——

Mr. REID. If the Senator will yield, the only amendment we know of——

Mr. STEVENS. Madam President, I do ask unanimous consent that no further amendments be in order to the pending bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that the bill be temporarily set aside so we may proceed to the consideration of the military construction bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. 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. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR TOMORROW

Mr. STEVENS. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Friday, July 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2657, the legislative branch appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Madam President, for the information of Senators, tomorrow morning following 15 minutes of debate, the Senate will vote on the motion to table the Sessions amendment regarding AmeriCorps. Following that vote, the Senate will vote on the passage of H.R. 2657, the legislative branch appropriations bill, which will be immediately followed by a vote on passage of H.R. 2559, the military construction bill. Therefore, the first vote in tomorrow's session will occur at 9:30 a.m., and that vote will be the first in a series of three consecutive votes.

Madam President, I ask that the second and third votes be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 9:15 A.M.

Mr. STEVENS. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:31 p.m., adjourned until Friday, July 11, 2003, at 9:15 a.m.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2660. Labor, HHS and Education, and Related Agencies Appropriations for FY 2004.

Senate

Chamber Action

Routine Proceedings, pages S9161–S9226

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1386–1393, and S.J.Res. 15. **(See next issue.)**

Measures Reported:

H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, with an amendment in the nature of a substitute. (S. Rept. No. 108–86)

Report to accompany S. 1382, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004. (S. Rept. No. 108–87)

Report to accompany S. 1383, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004. (S. Rept. No. 108–88)

S. 1391, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004. (S. Rept. No. 108–89)

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. 1280, to amend the Protect Act to clarify certain volunteer liability, with an amendment. **(See next issue.)**

Measures Passed:

NOAA Legal Appointments and Promotions Ratification: Senate passed S. 886, to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law. **(See next issue.)**

State Department Authorization: Senate continued 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 S9162–S9215**

Adopted:

Lugar (for Biden/Mikulski) Amendment No. 1150 (to Amendment No. 1136), to express the sense of Congress relating to violence against women. **Pages S9162–66**

Lugar (for Breaux) Amendment No. 1151 (to Amendment No. 1136), to authorize the Chief of Protocol to use a passenger carrier for transportation between the Chief of Protocol's residence and place of employment. **Pages S9162–66**

Lugar (for Coleman) Amendment No. 1152 (to Amendment No. 1136), to authorize a comprehensive program of support for victims of torture. **Pages S9162–66**

Lugar (for Daschle/McCain) Amendment No. 1153 (to Amendment No. 1136), to require an annual report on Saudi Arabia's cooperation in the war on terrorism. **Pages S9162–66**

Lugar (for Feinstein) Amendment No. 1154 (to Amendment No. 1136), to require a report on states that have not cooperated in small arms programs. **Pages S9162–66**

Lugar (for Biden) Amendment No. 1155 (to Amendment No. 1136), to require the reporting of certain information relating to proposed exports and transfers of firearms. **Pages S9162–66**

Lugar (for Leahy) Amendment No. 1156 (to Amendment No. 1136), to provide a report on a strategy to deal with the international coffee crisis. **Pages S9162–66**

Lugar/Biden Amendment No. 1157 (to Amendment No. 1136), to strike section 2512, relating to amendments to the Arms Control and Disarmament Act. **Pages S9162–66**

Lugar Amendment No. 1158 (to Amendment No. 1136), to provide an exception to requirements with

respect to bilateral agreements for exemptions from certain licensing requirements. **Pages S9162–66**

Subsequently, the amendment was modified.

Pages S9162–66, S9207

Lugar Amendment No. 1159 (to Amendment No. 1136), to improve the provisions on global pathogen surveillance. **Pages S9162–66**

Lugar/Biden Amendment No. 1160 (to Amendment No. 1136), to strike section 205, relating to immediate response facilities. **Pages S9162–66**

Lugar/Biden Amendment No. 1161 (to Amendment No. 1136), to clarify Foreign Service Grievance Board procedures. **Pages S9162–66**

Lugar/Biden Amendment No. 1162 (to Amendment No. 1136), to modify reporting requirements on U.S. personnel involved in the anti-narcotics campaign in Colombia. **Pages S9162–66**

Lugar Amendment No. 1163 (to Amendment No. 1136), to strike section 2239, relating to the sense of Congress relating to exports of defense items to the United Kingdom. **Pages S9162–66**

Allen/Harkin Amendment No. 1165 (to Amendment No. 1136), to clarify the definition of blocked assets for purposes of the Terrorism Risk Insurance Act of 2002. **Pages S9171–72**

Lugar (for Leahy) Amendment No. 1171 (to Amendment No. 1136), to ensure that eligibility for assitance under the Millennium Challenge Account includes a demonstrated commitment to the sustainable use of natural resources. **Pages S9173–74**

Lugar (for Santorum/Biden) Amendment No. 1172 (to Amendment No. 1136), to make a technical correction to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. **Pages S9173–74**

By 54 yeas to 43 nays (Vote No. 268), Reid/Daschle Amendment No. 1164 (to Amendment No. 1136), to provide support regarding the rural development crisis in Mexico. **Pages S9180–81**

Lugar (for Kyl) Amendment No. 1173 (to Amendment No. 1136), to require a report on the role of North Korea in the trafficking of illegal narcotics. **Pages S9181–82**

By 78 yeas to 18 nays (Vote No. 270), Bingaman Amendment No. 1174 (to Amendment No. 1136), to express the sense of Congress on funding for assistance to combat AIDS globally. **Pages S9182–91**

Lugar Amendment No. 1182 (to Amendment No. 1136), to authorize Economic Support Fund assistance for Pakistan. **Pages S9191–93**

Lugar Amendment No. 1183 (to Amendment No. 1136), to grant the consent of Congress to the receipt by employees of a designated entity or designated country of salary and benefits from such entity or country while they serve in offices of profit or trust within the Department of State.

Pages S9191–93

Lugar (for Frist) Amendment No. 1184 (to Amendment No. 1136), to authorize a United States-Russia Interparliamentary Group.

Pages S9191–93

Lugar (for Frist/Stevens) Amendment No. 1185 (to Amendment No. 1136), to authorize a United States-China Interparliamentary Group.

Pages S9191–93

Lugar (for Voinovich) Amendment No. 1186 (to Amendment No. 1136), to require the Annual Report on International Religious Freedom to include a section on anti-Semitism. **Pages S99191–93**

Lugar (for Akaka/Inouye) Amendment No. 1187 (to Amendment No. 1136), to authorize certain additional appropriations for the Center for Cultural and Technical Interchange Between East and West.

Pages S9191–93

Clinton/Schumer Amendment No. 1142 (to Amendment No. 1136), to increase the authorization of appropriations for protection of foreign missions and officials for fiscal year 2004, and to make an authorization of appropriations for expenses related to such protection that were incurred prior to October 1, 2003. **Page S9194**

Clinton (for Schumer/Clinton) Amendment No. 1188 (to Amendment No. 1136), to impose an economic sanction on foreign countries that owe property taxes to Washington, D.C. or New York City.

Pages S9194–95

Dodd Amendment No. 1189 (to Amendment No. 1136), to prohibit MCA monies from being used to fund projects that could displace U.S. jobs or production or pose an environmental hazard.

Pages S9195–96

Lugar (for Ensign) Amendment No. 1192 (to Amendment No. 1136), tofulfill the Administration's request to move towards the goal of achieving a 25 percent United Nations peacekeeping assessment rate without incurring arrears. **Page S9202**

By a unanimous vote of 97 yeas (Vote No. 271), Biden Modified Amendment No. 1190 (to Amendment No. 1136), to express the sense of the Congress that the United States remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government. **Pages S9196–S9203**

Lugar (for Warner/Stevens) Amendment No. 1193 (to Amendment No. 1136), to strike section 206, relating to security capital cost sharing. **Page S9203**

Lugar (for Frist) Amendment No. 1194 (to Amendment No. 1136), to commend the leadership and people of Colombia on the third anniversary of Plan Colombia. **Pages S9203–04**

Lugar (for Schumer) Amendment No. 1195 (to Amendment No. 1136), to express the sense of the Senate that President Bush should require all executive agencies to provide full and timely cooperation with the National Commission on Terrorist Attacks Upon the United States so that the Commission can provide the best possible analysis of how the Nation can prevent future acts of terrorism. **Page S9204**

Lugar (for Durbin) Amendment No. 1196 (to Amendment No. 1136), to ensure that the benefits under the Millennium Challenge Assistance program are available for the intended beneficiaries, including women and girls. **Page S0204**

Lugar (for Durbin) Amendment No. 1197 (to Amendment No. 1136), to express the sense of Congress on an investigation into assertions that Iraq attempted to obtain uranium from Africa. **Page S9205**

Lugar (for Dorgan) Amendment No. 1198 (to Amendment No. 1136), to provide emergency food aid for HIV/AIDS victims. **Page S9206**

Lautenberg Amendment No. 1135 (to Amendment No. 1136), to provide justice for Marine victims of terror. **Page S9206**

Biden Amendment No. 1199 (to Amendment No. 1136), to create the Clinton Scholarship Program. **Pages S9206–07**

Lugar Amendment No. 1136, in the nature of a substitute. **Page S9162**

During consideration of this measure today, Senate also took the following action:

By 48 yeas to 48 nays (Vote No. 269), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 505 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Murray Amendment No. 1170 (to Amendment No. 1136), to provide additional weeks of temporary extended unemployment compensation for individuals who have exhausted such compensation and to make extended unemployment benefits under the Railroad Unemployment Insurance Act temporarily available for employees with less than 10 years of service. Subsequently, the point of order, that the amendment would cause an increase in the deficit in excess of the levels permitted and thus be in violation of section 505 of H. Con. Res. 95 of the 108th Congress, was sustained, and the amendment thus falls. **Page S9181**

Legislative Branch Appropriations: Senate began consideration of H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, the text of the bill relating solely to the House of Representatives remain, that all other parts of the text be stricken, and the text of S. 1383, Senate companion bill, be inserted in lieu thereof, and taking action on the following amendments proposed thereto:

Adopted:

Reid (for Feinstein) Amendment No. 1201, to appropriate an additional $25,000,000 for emergency actions to reduce the threat to human safety arising from the threat of catastrophic fire in dead and dying trees. **Pages S9217–18**

Subsequently, the amendment was modified. **Pages S9223–24**

Harkin/Mikulski Modified Amendment No. 1200, to provide that the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed $4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year. **Page S9218**

Stevens/Landrieu Amendment No. 1206, making emergency appropriations to the Corps of Engineers for emergency assistance. **Pages S9219–20**

Reid Amendment No. 1210, to provide for the use of funds of the Commodity Credit Corporation for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho. **Page S9224**

Pending:

Sessions Amendment No. 1202, to eliminate the additional amount for programs under the National and Community Service Act of 1990. **Page S9220**

Stevens motion to table Sessions Amendment No. 1202 (listed above). **Page S9223**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:15 a.m., on Friday, July 11, 2003, with a vote on the pending motion to table (listed above) to occur at 9:30 a.m., followed by a vote on final passage of the bill; further, Senate will insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S9226**

Military Construction Appropriations: Senate began consideration of H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, striking all after the enacting clause and inserting in lieu thereof the text of S. 1357, Senate companion measure. **(See next issue.)**

A unanimous-consent agreement was reached providing for further consideration of the bill on Friday, July 11, 2003, with a vote on final passage of the bill to occur following the vote on final passage of

H.R. 2657, Legislative Branch Appropriations; further, Senate will insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **(See next issue.)**

Appointment:

Ticket to Work and Work Incentives Advisory Panel: The Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the Senate Committee on Finance, pursuant to Public Law 106–170, announced the appointment of the following individual to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee, vice Vincent Randazzo, resigned.

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Placed on Calendar: **(See next issue.)**

Executive Communications: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Notices of Hearings/Meetings: **(See next issue.)**

Authority for Committees to Meet: **(See next issue.)**

Privilege of the Floor: **(See next issue.)**

Record Votes: Four record votes were taken today. (Total—271) **Pages S9181, S9191, S9203**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:31 p.m., until 9:15 a.m., on Friday, July 11, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in the next issue of the Record.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: HOMELAND SECURITY/ INTERIOR

Committee on Appropriations: Committee ordered favorably reported the following bills:

H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, with an amendment in the nature of a substitute; and

An original bill (S. 1391) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings to examine the nominations of Thomas W. O'Connell, of Virginia, to be Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, who was introduced by Senator Reed, and Paul M. Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, who was introduced by Senator Roberts, after the nominees testified and answered questions in their own behalf.

CREDIT REPORTING

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the accuracy of credit reporting information and the Fair Credit Reporting Act, focusing on amendments and other statutory changes proposed by the Treasury Department on June 30, 2003, including permanent renewal of the uniform national standards in Section 624 of the Fair Credit Reporting Act, after receiving testimony from Timothy J. Muris, Chairman, Federal Trade Commission; Stephen Brobeck, Consumer Federation of America, Stuart K. Pratt, Consumer Data Industry Association, and Evan Hendricks, Privacy Times, all of Washington, D.C.; Richard F. Le Febvre, AAA American Credit Bureau, Inc., Flagstaff, Arizona; and David A. Jokinen, Sugar Land, Texas.

NATURAL GAS

Committee on Energy and Natural Resources: Committee concluded hearings to examine the high price of natural gas, its effect on the economy and to consider potential solutions, after receiving testimony from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; David K. Garman, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; Richard L. Grant, Tractebel LNG North America, Boston, Massachusetts; J. Brian Ferguson, Eastman Chemical Company, Kingsport, Tennessee; and Bruce Thompson, Independent Petroleum Association of America, Washington, D.C.

BUSINESS MEETING

Committee on Finance: Committee met and approved the committee recommendations relative to proposed legislation to implement the United States-Singapore Free Trade Agreement and proposed legislation to implement the United States-Chile Free Trade Agreement.

COMMUNITY SERVICES BLOCK GRANT PROGRAM AUTHORIZATION

Committee on Health, Labor and Pensions: Subcommittee on Children and Families concluded hearings to examine proposed legislation authorizing funds for Community Services Block grant program,

after receiving testimony from Wade F. Horn, Assistant Secretary of Health and Human Services for Children and Families; David A. Bradley, National Community Action Foundation, Washington, D.C.; E. Phillip McKain, CTE, Inc. (Community Action Agency), Stamford, Connecticut, on behalf of the Connecticut Association for Community Action; Stamford, Connecticut, on behalf of the Connecticut Association for Community Action; Winifred Octave, Worcester Massachusetts; Michael Saucier, Berlin, New Hampshire, and Nathaniel Best, Knoxville, Tennessee.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1125, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, with amendments;

S. 1280, to amend the Protect Act to clarify certain volunteer liability, with an amendment;

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,

The nominations of 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-Yeghaiyan, 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, and Karen P. Tandy, of Virginia, to be Administrator of Drug Enforcement, and Christopher A. Wray, of Georgia, to be an Assistant Attorney General, both of the Department of Justice.

SMALL BUSINESS ADMINISTRATION

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported S. 1375, to provide for the reauthorization of programs administered by the Small Business Administration, with amendments.

VA PROVIDED BENEFITS PROGRAMS

Committee on Veterans Affairs: Committee concluded hearings on 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, and S. 1360, after receiving testimony from Daniel L. Cooper, Under Secretary of Veterans Affairs for Benefits; and Craig W. Duehring, Principal Deputy Assistant Secretary of Defense for Reserve Affairs.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 2692–2712, and 1 private bill, H.R. 2713, were introduced. **Pages H6602–03**

Additional Cosponsors: **Pages H6603–04**

Reports Filed: Reports were filed as follows:

H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–195).

H. Con. Res. 159, declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day (H. Rept. 108–196);

H.R. 2595, to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002 (H. Rept. 108–197);

H.R. 2357, to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, amended (H. Rept. 108–198); and

H.R. 1516, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania, amended (H. Rept. 108–199). **Page H6602**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simmons to act as Speaker Pro Tempore for today.

Page H6467

Guest Chaplain: The prayer was offered by the Rev. Dr. William H. Harter, Pastor, Presbyterian Church of Falling Spring, Chambersberg, Pennsylvania.

Page H6467

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, July 9 by yea and nay vote of 341 yeas to 64 noes with 1 voting "present," Roll No. 346. **Pages H6469–70**

Labor, Health and Human Services, and Education, and Related Agencies Appropriations for FY 2004: The House passed 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 yea and nay vote of 215 ayes to 208 nays, Roll No. 353. **Pages H6470–6581**

Agreed To:

Bereuter amendment that targets $12 million for research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices; **Pages H6560–61**

Tancredo amendment that increases funding for school safety programs by $5 million; **Page H6564**

Rejected:

Rahall amendment that sought to prohibit any funding to implement amendments to the Department of Labor Mine Safety and Health Administration regulations dealing with dust levels in mines (rejected by recorded vote of 210 ayes to 212 noes, Roll No. 349); **Pages H6561–63, H6578**

Allen amendment that sought to prohibit any penalties to schools that are not fully funded under the No Child Left Behind Act (rejected by recorded vote of 199 ayes to 223 noes, Roll No. 350);

Pages H6564–68, H6578–79

Obey amendment that sought to prohibit any funding to implement regulations that exempt from the requirements of overtime under the Fair Labor Standards Act any employee who is not otherwise exempted (rejected by recorded vote of 210 ayes to 213 noes, Roll No. 351); and

Pages H6568–71, H6579–80

Toomey amendment, as modified, that sought to prohibit funding for five National Institutes of Health grants (rejected by recorded vote of 210 ayes to 212 noes, Roll No. 352). **Pages H6573–76, H6580**

Withdrawn:

Manzullo amendment no. 4 printed in the Congressional Record of July 9 was offered but subsequently withdrawn that sought to specify that at least 65 percent of products must be made in the United States to qualify under the Buy American Act. **Pages H6563–64**

Point of Order Sustained Against:

Obey amendment in the nature of a substitute that sought to limit the size of the tax cut made to individuals earning more than $1 million and increase funding for various education, health, biomedical research, and low income energy programs;

Pages H6536–48

Section 217 B, Medicare Claims Processing Fee;

Page H6560

Obey motion that sought to add a new title dealing with the Medicaid adjustment for State maintaining coverage of children under Medicaid and the State Children's Health Insurance Program (SCHIP).

Pages H6576–77

Motions to Strike the Enacting Clause:

Rejected the Obey motions to strike the enacting clause by recorded vote of 199 ayes to 222 noes, Roll No. 347 and recorded vote of 197 ayes to 224 noes, Roll No. 348. **Pages H6548–49, H6577–78**

The House agreed to H. Res. 312, the rule that is provided for consideration of the bill on July 9.

Legislative Program: Representative Rogers of Michigan announced the Legislative Program for the week of July 14. **Pages H6581–82**

Meeting Hour—Monday, July 14: Agreed that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday, July 14 for morning-hour debate. **Page H6582**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, July 16. **Page H6582**

Joint Meeting to Receive Prime Minister Tony Blair: Agreed that it be in order at any time on Thursday, July 17, 2003 for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in Joint Meeting the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

Page H6582

Check Truncation Act: The House disagreed with the Senate amendment to H.R. 1474, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and requested a conference with the Senate thereon. Appointed as conferees: Chairman Oxley and Representatives Bachus, LaTourette, Hart, Tiberi, Frank of Massachusetts, Sanders, and Ford. **Page H6582**

Quorum Calls—Votes: Two yea and nay votes and six recorded votes developed during the proceedings

of the House today and appear on pages H6469–70, H6548–49, H6577–78, H6578, H6578–79, H6579–80, H6580, and H6581. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:14 p.m.

Committee Meetings

CROP INSURANCE PRODUCTS

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review crop insurance products for specialty crop producers. Testimony was heard from Russell Redding, Executive Deputy Secretary, Administration, Department of Agriculture, State of Pennsylvania; and public witnesses.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs approved for full Committee action the Foreign Operations, Export Financing and Related Programs appropriations for fiscal year 2004.

OPERATION IRAQI FREEDOM

Committee on Armed Services: Held a hearing on Operation Iraqi Freedom. Testimony was heard from Gen. Tommy Franks, USA, Commander, U.S. Central Command.

HIGHER EDUCATION AFFORDABILITY

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on ''Affordability in Higher Education: We know there's a problem; what's the solution?'' Testimony was heard from public witnesses.

NIH: BRINGING RESEARCH FROM THE BENCH TO THE BEDSIDE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''NIH: Bringing Research from the Bench to the Bedside.'' Testimony was heard from the following officials of the Department of Health and Human Services: Donald A. B. Lindberg, M.D., Director, National Library of Medicine; Mark L. Rohrbaugh, Director, Office of Technology Transfer, Office of the Director; and Anna D. Barker, Deputy Director, Strategic Scientific Initiatives, National Cancer Institute, all with NIH; and Theresa Mullin, Associate Commissioner, Office of Planning and Evaluation, FDA; and public witnesses.

ISSUANCE OF SUBPOENAS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations approved a motion authorizing the issuance of subpoenas in connection with the Committee's investigation into dietary supplements containing ephedra.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises approved for full Committee action the following bills: H.R. 1553, to amend the securities laws to permit church pension plans to be invested in collective trusts; and H.R. 2179, amended, Securities Fraud Deterrence and Investor Restitution Act of 2003.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following measures: H.R. 2556, amended, 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. 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.''.

FOREIGN TRAVEL TO U.S.—NEW VISA AND PASSPORT REQUIREMENTS IMPACT

Committee on Government Reform: Held a hearing on ''Smooth Sailing or an Impending Wreck? The Impact of New Visa and Passport Requirements on Foreign Travel to the United States.'' Testimony was heard from Janice L. Jacobs, Deputy Assistant Secretary, Visa Services, Department of State; Michael Cronin, Associate Commissioner, Immigration Policy and Programs, Bureau of Customs and Border Protection, Department of Homeland Security; Robert J. Garrity, Jr., Acting Assistant Director, Records Management Division, FBI, Department of Justice; and public witnesses.

DRAFT IMPLEMENTING PROPOSALS—U.S.-CHILE FREE TRADE IMPLEMENTATION AGREEMENT ACT; U.S. SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on the Judiciary: Agreed to the following draft implementing proposals, as amended: the U.S.-

Chile Free Trade Implementation Agreement Act; and the U.S. Singapore Free Trade Agreement Implementation Act.

ANTI-HOAX TERRORISM ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 1678, Anti-Hoax Terrorism Act of 2003. Testimony was heard from Representative McCotter; Susan Brooks, U.S. Attorney, Southern District of Indiana, Department of Justice; James McMahon, Superintendent, New York State Police; and a public witness.

COMPACTS OF FREE ASSOCIATION AMENDMENTS ACT; COMPACT IMPACT RECONCILIATION ACT

Committee on Resources: Held a hearing on the following measures: 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. Testimony was heard from Representative Case; the following officials of the Department of the Interior: David Cohen, Deputy Assistant Secretary, Insular Affairs; and Nikolao Pula, Director, Office of Insular Affairs; Albert V. Short, Negotiator for the Compact of Free Association, Department of State; Susan Westin, Managing Director, International Affairs and Trade, GAO; Senator Peter M. Christian, Chief Negotiator, Federal States of Micronesia; Gerald Zackios, Minister of Foreign Affairs, Government of the Republic of the Marshall Islands; Felix P. Camacho, Governor of Guam; and Vicente Pangelinan, Speaker, I Liheslaturan Guahan.

COMPETITION FOR DEPARTMENT OF ENERGY LABORATORY CONTRACTS

Committee on Science: Subcommittee on Energy held a hearing on Competition for Department of Energy Laboratory Contracts: What is the Impact on Science? Testimony was heard from Robin Nazzaro, Director, Natural Resources and Environment, GAO; Robert Gordon Card, Under Secretary, Energy, Science and Environment, Department of Energy; and public witnesses.

DRAFT IMPLEMENTING PROPOSALS—U.S.-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT; AND U.S.-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on Ways and Means: Approved the following draft implementing proposals: the United States-Singapore Free Trade Agreement Implementation Act; and the United States-Chile Free Trade Agreement Implementation Act.

SOCIAL SECURITY NUMBER PRIVACY

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security Number Privacy. Testimony was heard from Barbara Bovbjerg, Director, Education, Workforce, and Income Security, GAO; James G. Huse, Jr., Inspector General, SSA; and public witnesses.

GLOBAL INTELLIGENCE UPDATE BRIEFING

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

PERSPECTIVES ON HOUSE REFORM: COMMITTEES AND THE EXECUTIVE BRANCH

Select Committee on Homeland Security: Subcommittee on Rules held a hearing entitled "Perspectives on House Reform: Committees and the Executive Branch." Testimony was heard from James Schlesinger, former Secretary of Energy, former Secretary of Defense and former Director of the CIA; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 11, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on Transportation, Treasury and Independent Agencies, to mark up appropriations for fiscal year 2004, 10 a.m., 2358 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Border Security and Claims, oversight hearing on "Immigration Relief Under the Convention Against Torture for Serious Criminals and Human Rights Violators," 9 a.m., 2237 Rayburn.

Next Meeting of the SENATE

9:15 a.m., Friday, July 11

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 2657, Legislative Branch Appropriations, with a vote on the motion to table Sessions Amendment No. 1202, followed by a vote on final passage of the bill; following which, Senate will continue consideration of H.R. 2559, Military Construction Appropriations, with a vote on final passage of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Monday, July 14

House Chamber

Program for Monday: To be announced.

(Senate proceedings for today will be continued in the next issue of the Record.)

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