United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, JULY 17, 2003 No. 106

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 17, 2003.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God, victory for Your people and guardian of all Your people, be present to leaders in government as we pray to You this day. Sacred history reveals Your servant Joshua as a great conqueror who secures and apportions the land of promise, so Your people live in peace. All the deeds of Joshua had been foretold to Moses.

When we look over the history of this Nation from our revolutionary days, through world wars and even to more recent conflicts, we are amazed by the promise of peace and the surprise of new relationships. Time and time again those who were defeated have become our friends. With Joshua, America realizes that true victory and lasting peace are Your gift, as is friendship, born out of obedience to Your law and trust in Divine Providence.

Reflecting on our history today gives us hope for tomorrow. We praise You and thank You that out of conflict You can create great allies. You are always at work changing human hearts and reconciling people. This we know now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

H. Con. Res. 236. Concurrent resolution permitting the use of the Rotunda of the Capital for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 555. An act to establish the Native American Health and Wellness Foundation, and for other purposes.

S. 558. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress:

The Senator from Nevada (Mr. REID).

The Senator from California (Mrs. BOXER).

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Honorable JUDD GREGG of New Hampshire and the Honorable JOHN CORNYN of Texas as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minute speeches per side.

HOLD CASTRO ACCOUNTABLE AT THE HAGUE

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

Mr. SMITH of New Jersey. Madam Speaker, Cuban political prisoners never have a nice day, so I rise today to remind my colleagues as we meet here in session, more than 400 of Cuba's best, brightest and bravest are suffering unspeakable cruelty at the

Printed on recycled paper.

hands of Fidel Castro and his thugs. The dictator's latest sweep, begun in March, has jailed more than 75 independent journalists and human rights activists.

Afraid and fearful, Castro has now moved to silence all dissent. Castro is a weak and insecure man, utterly afraid to be criticized or held to account. Yet some in Congress still do not get it. They imagine Castro is a man we can do business with. Instead, Castro and his psychotic torturers ought to be at The Hague facing prosecution for crimes against humanity.

Madam Speaker, Castro is a mass murderer, a cruel torturer, and anything but a benign revolutionary.

NATIONAL DEBT INCREASES UNDER PRESIDENT BUSH

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

Mr. TANNER. Madam Speaker, it has been 797 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by $1,080,045,794,469. According to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt was $6,720,371,180,827. Furthermore, in fiscal year 2003, interest on our national debt or the ''debt tax'' is $277,768,492,816 through June 30.

TSA AWARDED PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Madam Speaker, the Transportation Security Administration is only a year old but is already wasting funds like an old-time Federal bureaucracy. The agency that is responsible for staffing the Nation's airports with security personnel is also responsible for nearly $250 million of waste.

Given the new and enormous task of securing 429 airports around the country, there is bound to be some financial waste. But the extent of the TSA's largess is indefensible. It has overstaffed rural airports, paid security companies inflated rates, purchased more than a thousand baggage scanners with dated technology for a million dollars apiece, leased sport utility vehicles for $200,000 a year rather than lease less-expensive sedans, and entered into a contract to recruit Federal screeners that escalated from the original estimate of $100 million to nearly $700 million, all of this on top of last year's $410,000 expense just to furnish the offices of the director and his chief aides.

Madam Speaker, the TSA gets my Porker of the Week Award.

UNEMPLOYMENT AND THE ECONOMY

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

Ms. SOLIS. Madam Speaker, today I rise to address an issue very important to millions and millions of people in our country. President Bush has ignored our economy, and I point out to Members to look at what is happening in the 32nd Congressional District of California. Rates of unemployment have gone up dramatically. The national rate is about 6.4, and in one of my cities it is up to almost 11 percent.

What I think we ought to be doing in the House is starting to focus in on trying to replenish jobs and bringing back American values that our families so sorely need. We have many people serving as reservists in the military. Their families are suffering. We need to give them a child tax credit break, and we need to increase the minimum wage.

Madam Speaker, these are hard-working people. They have been suffering for over 2 years, and I know they are telling me in a strong way across the country that we need to focus on our economy. The rich have gotten their tax breaks, but what about the working poor? And what about the working-class families that we all represent in our districts? I would ask my colleagues to think seriously before we go on recess to provide an economic incentive package to help working families.

IRAQ'S NUCLEAR WEAPONS PROGRAM

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

Mr. BURGESS. Madam Speaker, after the terrorist attacks of September 11, it became apparent that the United States needed to be more vigilant about terrorism and weapons proliferation and pay attention to prospects of weapons of mass destruction falling into the hands of groups that could use them against American interests.

The Bush Administration, the Clinton Administration, and the United Nations all agreed that Saddam Hussein possessed a significant biological and chemical capability in 1998 when the inspectors were withdrawn. There is broad agreement that Hussein, different from any other leader, had proven himself capable of using these weapons for offensive purposes and not merely a defensive posture.

There are efforts in the Congress to employ a full investigation into difficult issues to understand whether mistakes were made and to take action to fix them in fulfillment of Congress' important oversight responsibilities. To date, the chairman of the Committee on Armed Services, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence reject a broader probe of the WMD issue.

I believe Congress is exercising its oversight authority and has set in place procedures to review comprehensively and on a bipartisan basis the intelligence surrounding Iraq prior to the outbreak of war and to take into account any dissident views on the Iraqi threat.

GUERILLA WARFARE IN IRAQ

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, since President Bush declared the end to major combat operations on May 1, 2003, our brave servicemen and women have continued to die in Iraq at a rate of one per day. Let us look at the figures: 412 wounded, 86 killed. And still the administration continues to downplay the gravity of this situation.

Our troops are facing insurgents who are clearly using guerrilla techniques and tactics; and even the new CENTCOM commander yesterday admitted that, in his opinion, this is a classic guerrilla-type war.

So why is it that the Secretary of Defense and the President are refusing to characterize it as such? We are starting down a slippery slope into another long, drawn-out guerrilla conflict, once again.

We need to find a viable solution fast. It is imperative that we give our troops all of the resources that they need to get the job done and confront the enemy, and we must continue to urge NATO to provide emergency assistance. We must bring our troops home as quickly as possible.

NORTH KOREAN REFUGEE CRISIS

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

Mr. PITTS. Madam Speaker, the actions of China and the UNHCR, in response to the North Korean refugee crisis, are reprehensible. China has deliberately failed to uphold the obligations under international law and the conventions that they have signed and has prohibited the UNHCR from carrying out its accepted mandates to assist refugees.

The Chinese government has prevented North Korean refugees from their right to apply for asylum. Any North Koreans who have tried to do this have disappeared, and the UNHCR has failed in its mandate to invoke binding arbitration against countries that prohibit it from carrying out its mandate.

Chinese officials fear a refugee flood, but refugees do not flee their country simply to find refugee assistance, they

flee because of wide-spread starvation, human rights violations and other terrible atrocities and sufferings.

Madam Speaker, the U.N. should condemn China as well as the UNHCR for their failure to uphold their obligations; and Kim Jong Il should step down from power; and the North Korean government should stop their brutal policies against the North Korean people.

IF NOT NIGER, WHERE?

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

Mr. MARKEY. Madam Speaker, welcome to the People's House Tony Blair. We need you. The Niger evidence that supposedly showed Saddam Hussein had reconstituted his nuclear weapons program turns out to be forged, but you say, wait, there is more.

We are aware of Niger, but Africa is a big continent. You say you have other sources, possibly a third country that thinks Saddam Hussein may have been buying uranium in some other Africa country. Our own CIA does not know what you know. Our National Security Council says it does not know what you know. Indeed, the President of the United States says he does not know what you know.

The American public needs to know the truth. You hold the key. Please, Mr. Prime Minister, redeem our trust. If not Niger, where were the nuclear materials, Mr. Prime Minister?

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Members are reminded to address their remarks to the Chair.

ANTI-SEMITIC SENTIMENTS ON RISE AMONG BRITISH ACADEMICS

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

Mr. MILLER of Florida. Madam Speaker, I rise today to draw attention to the unsettling increase of anti-Semitic sentiments of many academics in the United Kingdom. Over the past year, a growing number of university professors in the U.K. have engaged in a boycott of scholars and research from Israel. Most recently, a professor at Oxford denied the admittance of an Israeli graduate student based solely on his Israeli citizenship.

So what has fueled this rise in academic anti-Semitism? One only needs to look at the policies of the Association of University Teachers, one of Britain's largest associations for higher education professionals. The AUT Web site states, ''We also support the call by academics in the U.K. and elsewhere for a moratorium on European Union and European Science Foundation funding of Israeli cultural and research institutions until Israel abides by U.N. resolutions and opens meaningful peace negotiations with the Palestinians.''

The ''academics'' in the U.K. have taken a giant step backward from the tradition of teaching individual rights and liberties and free thought. This boycott of Israeli academics and philosophy, ideas that originate in the Middle East's only true democracy, is a clear indication that the values that gave birth to our own American free-thinking principles are no longer practiced by many of the U.K.'s educators.

IDENTITY THEFT

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

Mr. EMANUEL. Mr. Speaker, I recently introduced bipartisan legislation with 19 colleagues called the Identity Theft Protection and Health Information Blackout Act of 2003. The legislation would protect Americans from identity theft and safeguard their private health information in the Fair Credit Reporting Act.

My bill would black out and protect sensitive, private health-related information by returning control to consumers and giving them the final say over what is off-limits to financial institutions. There is simply no reason why health information should be used in granting credit or in deciding whether to offer someone a product or a financial service. It is long past time to make this information confidential. Rather than opt in or opt out, we should black out your private health information.

Similarly, we are all aware of the identity theft epidemic in this country. The average identity theft victim spends nearly $1,400 and 175 hours cleaning up his or her credit card record. In fact, ID theft has doubled in just the last year. It puts both businesses and the consumer at risk. This is not a business or consumer issue. It is one that we can come together on.

Mr. Speaker, my bill would put identity thieves out of business and ensure that Americans' private health information is given the strongest protections under the law. I encourage my colleagues to cosponsor the Identity Theft Protection and Health Information Blackout Act to that end.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2691.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 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. 2691.

□ 1018

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. 2691) making appropriations for the Department of the Interior 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 on Wednesday, July 16, 2003, the bill was open from page 101, line 4, through page 101, line 13.

Mr. HEFLEY. Mr. Chairman, I move to strike the last word. I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, this week, the U.S. Fish and Wildlife Service announced it was proceeding with the development of new voluntary guidelines to protect migratory birds from electrocution and collisions with power lines. This is an important development.

For the past 70 years, the Nation's rural electric cooperatives have provided power to millions of people in rural America. Distribution and transmission lines cross many miles of wide open spaces and sometimes those wide open spaces are filled with migratory birds. Under two laws, the Migratory Bird Treaty Act and the Golden and Bald Eagle Protection Act, electric utilities can be found guilty of so-called takings if birds fly into those lines or land on them and are killed. Many utilities have responded by redesigning the towers for new power lines and locating these lines outside of known flyways. Yet birds continue to fly into power lines and as things currently stand, these utilities are liable for penalties under these two laws. Mr. Chairman, no one in their right mind, when these laws were enacted, would have thought that these laws would be interpreted in this kind of a way.

The Fish and Wildlife Service has been very forthcoming in a series of meetings with myself and my colleagues, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from Utah (Mr. BISHOP). However, we ask you, Mr. Chairman, to join us in emphasizing to the Service the importance of resolving this issue. All of America, not just rural America, needs electric power and this problem has the potential of interfering with delivery of that power.

If I may, Mr. Chairman, I would like to yield a moment to the gentlewoman from Colorado who represents the eastern plains of Colorado and has spent an

enormous amount of energy on this particular subject. She actually represents an area bigger than some States.

Mrs. MUSGRAVE. I do represent an area that has wide open spaces. A few years ago, I attended the 50th year anniversary of YW Electric in Akron, Colorado. This rural utility serves a vast area. There were individuals at that anniversary celebration that remembered the day that they got electricity to their rural home. Of course, rural Americans want all of the amenities that we have because of electricity. It just so happens that rural electric lines are built in areas that are remote. It just so happens that that is where raptors are. Again as the gentleman from Colorado said, no one could anticipate the time when laws would be interpreted in such a way that when a bird landed on lines and was electrocuted, a rural electric could be found guilty of an intentional taking.

Mr. Chairman, I just ask that you work with us in order to resolve this problem. There, of course, is no intention in the taking of a bird. When lines are changed to pose less danger to birds, of course, those costs will be passed on to our ratepayers, the individuals who purchase electricity from the rural electrics. We would just ask for the chairman's help in this issue solving this in a reasonable way so that it will be beneficial to all of us who care about the birds, but those of us who realize that we have to have some common sense in this approach to whether or not a rural electric is guilty of an intentional taking when a raptor dies because they have landed on the lines.

Mr. HEFLEY. Mr. Chairman, we do need your help on this and wanted to bring this matter to your attention. You also represent a great deal of rural area, I am sure many rural electrics, so you probably are quite aware of the problem.

I yield to the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, we appreciate the gentleman and gentlewoman for their leadership on this issue of fowl mortality associated with electric power lines. We always want to save any bird possible, but this is somewhat of a bird-brained interpretation of what the rule is meant to do. I recognize the importance of electric cooperatives in rural America and will work with the gentleman and gentlewoman to ensure that the Fish and Wildlife Service continues to work closely with the electric power industry to resolve this issue in a mutually beneficial manner.

Mr. HEFLEY. I want to thank the chairman for his assistance in this important matter.

Mr. RENZI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage in a colloquy between myself and Chairman TAYLOR.

Mr. Chairman, on June 23, 2003, President Bush signed into law the Zuni Indian Tribe Water Rights Settlement Act of 2003. This new law settles a longstanding dispute over the water rights of Zuni Heaven among the local, county, State, tribal, Federal and private interests and restores and protects the wetland environments that previously existed on Zuni lands. Specifically, this recently enacted law provides the Zuni people with the resources and protections necessary to acquire water rights from willing sellers.

The Zuni Indian Tribe Water Rights Settlement Act authorized appropriations for $3.5 million for the Zuni people to help them acquire and develop these water rights. This funding is to be used for the acquisition of water as well as associated lands by the Zuni tribe to facilitate the enforceability of the settlement agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before December 31, 2006.

Mr. Chairman, on behalf of the Zuni people, I would appreciate it if you could do all you can to support the inclusion of this funding when we conference this bill with the Senate.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. RENZI. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman has been very attentive in bringing this to my attention. You continually fight for the rights of Native Americans and you have persistently expressed to me the need to properly fund our trust responsibilities to the tribes. It has been a longstanding policy of this committee to fund water rights settlements that have been enacted into law. This one is no exception. However, this settlement will be a challenge for funding in the fiscal year of 2004.

Mr. RENZI. I appreciate the gentleman's help on this important matter so that the Zuni people have enough water to bring back the original lush environment to the Zuni Heaven. I am grateful for his support.

Mr. TAYLOR of North Carolina. I will be happy to work with you to fund this Indian water rights settlement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the House report accompanying this Act.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in the House report accompanying this Act.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress, and make available to interested persons, a report containing the results of a management review of outfitter and guiding operations in the John Muir, Ansel Adams, and Dinkey Lakes Wilderness Areas of the Inyo and Sierra National Forests, California. The report shall include information regarding: (1) how the Secretary intends to minimize adverse impacts on the historic access rights of special use permittees in these three wilderness areas; and (2) how the Secretary intends to ensure timely compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Notwithstanding any other provision of law, any appropriations or funds available to

the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided,* That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $86,000,000 shall not be available until October 1, 2004: *Provided,* That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $609,290,000 to remain available until expended, of which $2,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $130,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided,* That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further,* That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d: *Provided further,* That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further,* That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further,* That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,500,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $879,487,000, to remain available until expended: *Provided,* That $270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy program grants.

□ 1030

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 109, line 22, after the dollar amount insert ''(increased by $15,000,000, decreased by $15,000,000)''.

Page 109, line 23, after the dollar amount insert ''(increased by $15,000,000)''.

Page 110, line 2, after the dollar amount insert ''(increased by $15,000,000)''.

Mr. SANDERS. Mr. Chairman, the Sanders-Kind amendment would increase funding for the very successful Weatherization Assistance Program by $15 million, from $225 million to $240 million. Even with this $15 million increase that we are proposing, funding for the weatherization program would still be $48 million less than the President's request.

We are not sure yet what the offset is, and that is an issue we will be working with the majority on. According to the statement of administration policy that was endorsed by the Office of Management and Budget: ''The administration opposes the $63 million reduction from the President's $288 million request for the Weatherization Assistance Program that assists low-income families with their energy bills while conserving energy for the Nation. The President is committed to increasing funding for this program by $1.4 billion over 10 years.''

I do not often agree with the priorities established by the Bush administration, but on this issue they are absolutely right.

One of the absurdities in terms of public policy both for the needs of low-income people and in terms of environmental protection is that we have huge numbers of low-income people throughout this country who are living in homes that are very poorly insulated, where energy is going right through the doors, through the roofs, through the windows, and it is a very sound investment indeed when we improve the weatherization of their homes. Low-income people save substantial sums of money on their limited budgets, and as a Nation concerned about the environment we do not see energy going right up.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the extra $15 million. We may not be able to keep it through conference, but we will certainly support it now.

Mr. SANDERS. Will the gentleman do his best?

Mr. TAYLOR of North Carolina. We will. We will try to keep the $15 million in.

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

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

Mr. DICKS. Mr. Chairman, I certainly want to commend the gentleman for his leadership on this issue, and I know that the gentleman from Wisconsin (Mr. OBEY) has also been concerned about this. We appreciate his efforts and will do our best to help.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Washington (Mr. DICKS), the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Wisconsin (Mr. KIND); and

I thank the majority for their support for this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Sanders-Kind Amendment to increase funding for the Weatherization Assistance Program. Although, I am aware of the worthy funding for the Committee has offered to this program, I am bothered by the neglect to follow suit in the President's request to increase funding to $288 million from its current funding level of $223 million.

The decision to not increase funding to an adequate level for the Weatherization Assistance Program will directly effect my District and my constituents. Chicago endures some of the country's most severe temperature extremes. In 2002, with on the onset of a harsh winter, Chicago residents saw their heating cost soar to record levels—nearly tripling the cost of 1999. Chicago experienced another cold winter in 2001 causing cost once again to be extremely high for residents. There were countless stories about seniors in my district, on a fixed income, making approximately $700 a month but whose December's gas bill was $400. The heating cost just did not affect residents, but small business, high-rises, and schools. The Chicago Public Schools reported in 2001 of having heating cost that were up $7 million, 50 percent more than what was called for in their budget. Historically, Chicago has experience the highest electricity rates in the Midwest and are among some of the highest nationwide.

The President's request to increase funding would have permitted an additional 25,000 poor and elderly families to be served by this program. It is estimated that each home that is weatherized will generate $275 in annual savings and $4,650 of life-cycle savings per household. These savings are critical for the countless families in my district living near or below the federal poverty level and depend on this program and programs like it to have a warm home. I am proud that in January of 2002, the city of Chicago implemented its New Energy Conservation Code which re-defines energy efficiency requirements for all new and rehabilitated homes and commercial buildings. The goal of this new code will improve energy efficiency standards by 10 to 20 percent. But this is just one small step in the process to lower energy cost for our constituents that need the federal government's assistance.

Mr. Chairman, if we do not help our constituents weatherize their homes to become more energy efficient and heating cost continue to rise, our constituents will only be spending more of their money on energy bills and less towards the growth of our economy. This amendment is good for our constituents, is good for energy conservation and is good for our economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $175,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $82,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,556,082,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $460,046,000 for contract medical care shall remain available for obligation until September 30, 2005: *Provided further,* That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further,* That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian

Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $392,560,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further,* That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further,* That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further,* That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further,* That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further,* That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further,* That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further,* That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,250,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $489,748,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further,* That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further,* That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $93,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided,* That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities

of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in the House report accompanying this Act.

The Secretary of the Smithsonian Institution may establish a voluntary separation incentive program substantially similar to the program established under section 1313(a) of the ''Homeland Security Act of 2002'' (Public Law 107–296, 116 Stat. 2135) for individuals serving in civil service positions in the Smithsonian Institution.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $88,849,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further,* That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: *Provided further,* That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,100,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,730,000: *Provided,* That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments, charges, or billings may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments, charges, or billings and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, and 108–7 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

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

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a

subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided,* That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking ''20'' and inserting ''30'';

(2) in subsection (c) by striking ''3'' and inserting ''8''; and

(3) in subsection (d), by striking ''2006'' and inserting ''2007''.

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004 and thereafter, qualify for General Service Administration contract airfares.

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide fire management services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire management activities: *Provided,* That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further,* That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further,* That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided,* That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided,* That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business if the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further,* That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further,* That the Secretaries shall develop guidance to implement this section: *Provided further,* That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided,* That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through Page 150, line 23 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 North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking ''2004'' and inserting ''2006''; and

(2) by striking ''2007'' and inserting ''2009''.

AMENDMENT NO. 18 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. DEFAZIO:

At the end of section 332, relating to the recreation fee demonstration program, page 151, after line 6, insert the following sentence:

The amendments made by this section apply only with respect to areas under the jurisdiction of the National Park Service.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask for unanimous consent that all debate on this amendment be limited to 20 minutes to be equally divided and controlled by the proponent and an opponent.

The CHAIRMAN. And any amendments thereto?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

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

Mr. DICKS. Mr. Chairman, reserving the right to object, would it not be better to have a discussion on the point of order first before we get a time agreement, whether we should debate this for 20 minutes?

Mr. TAYLOR of North Carolina. If the gentleman will yield, we are trying to determine which amendment the gentleman is offering.

The CHAIRMAN. It is amendment 18.

□ 1045

Mr. TAYLOR of North Carolina. Mr. Chairman, we withdraw the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn. Is the gentleman still making his unanimous consent request relative to the time limit on this amendment?

Mr. TAYLOR of North Carolina. I am, Mr. Chairman.

The CHAIRMAN. The Chair understands that to be 20 minutes on this amendment, equally divided, 10 minutes on each side, and on all amendments thereto.

Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized for 10 minutes on his amendment.

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

This amendment would extend the authorization for the Park Service which, I think, most Members of this body support, particularly given the backlog we have heard about and the underfunding to levy these fees under what has been commonly called the Rec Fee Demo Program. However, it would not prematurely extend the authority to the United States Forest Service and the Bureau of Land Management to extend these fees.

These fees, under current law for the United States Forest Service and the Bureau of Land Management, are authorized by prior appropriation, not through the authorizing committee, through October 1 of next year. The authorizing committee has actually been processing, beginning work on an authorization bill, which will be the first time since 1996 that these were properly authorized for the Forest Service and the BLM. If this amendment would pass, that committee would have ample time to properly authorize the program before the expiration a year from next October.

So I think that this would address the concerns of many Members of the House who are split between those who feel very strongly we need these funds for the Park Service, and those of us who feel very strongly that levying these fees indiscriminately across the Forest Service and the BLM, to nondeveloped areas in particular, is of great concern. Basically, if you want to drive your car around a park and go hunting or go fishing or just walk with the kids or the dog, you have to buy a pass for nondeveloped sites, and a lot of us have strong concerns about that.

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

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes in opposition to the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I oppose this amendment.

The amendment would strike the extension of the recreation program which provides resources for the national forests, refuges, and public lands. Over and over again, at many hearings and in visitors' surveys, and in my own travels, I hear that the public wants a recreation program that is consistent and simple. The President fully supports this program. This amendment would confuse the public.

I agree with the gentleman that this program should be run through the authorizing committee. Our committee and others have had many hearings on this, and I have assurances that the chairman of the Committee on Resources will work on this issue soon. But for now, it is essential that the recreation industry has certainty and ability to plan ahead for tours and recreation packages. The recreation industry needs to have a full year advanced knowledge of fees in order to plan tours and other services.

This program, begun in 1996, allows the National Park Service and the Bureau of Land Management, Fish and Wildlife Service, and Forest Service to charge certain fees for recreation activities and retain the fees at the site to reduce the backlog in deferring maintenance and enhance the visitors' experience. This is not a charge to enter the forest or the reserve, this is a fee for recreational activity.

To date, the fee program has raised nearly $1 billion to enhance recreation experiences on America's public lands. If we accept the DeFazio amendment and allow only the Park Service to have this authority, the other agencies will lose some $110 million over the next 2 years that go to maintenance and enhancing visitors' services.

We should not give this authority only to the National Park Service.

This would cause confusion and inconsistency for our visitors to public lands. We need to work to create a seamless recreation program to make it easier, not more complicated, for visitors to our public lands.

The program has been discussed in numerous hearings in both the Committee on Appropriations and the authorizing committees, and has been the subject of several House Floor debates and votes, all of which have supported the program. We need to keep this program going while the authorizing committees address the permanent solution. This funding is very important to provide focused improvements to the huge backlog and maintenance needs and to increase specific services.

Please oppose this amendment.

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

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds, just to respond to the esteemed chairman.

I just want this to be conducted factually. The total amount of funds, including the Park Service, may be the number the gentleman quoted, but the actual amount of money in the last year that we have figures for for the Forest Service was $36 million, not $191 million, and only $13 million of that was applied somewhere, somehow on the ground. This program is, in fact, eating up more than half of its costs in overhead.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman from Oregon for yielding me this time.

With great respect for my colleague and the committee, I rise in support of this amendment for this reason: When you get out my district in Oregon and over half of our lands are public lands. And the concerns raised by my colleague from the Lammot Valley are valid. People want to be able to go out and take the family, drive out one of these Forest Service roads, park their car, and walk out in the woods. They cannot do that now if they do not go buy a permit.

If my colleagues want to talk about confusion, there are parts of my district where now you have to buy 3, 4, or 5 permits, depending on which part of public land you want to go on, whether it is a public park or the National Forest Service or the county or whoever. I have to tell my colleagues, there are a lot of people who want us in this Congress to vet this issue better. I think it is only appropriate.

I have no problem paying a fee for a permit to plow the snow where I go skiing, and I do not know of anybody who does. I have no problem paying for developed campground areas, and I laud the effect of this program in that respect. But I resent the part of the program that says simply to take a walk out in the woods and look at trees in an undeveloped area, I have to go to some park ranger district somewhere or some Forest Service office somewhere that I do not even know where it is, maybe, and buy a permit to put in my window and spend 50 bucks or so so I can take my family out. I represent the 12th poorest district in the United States, and over half of our land is Federal land, and this is a burden these people should not have to shoulder.

So I support the gentleman's amendment. I think it needs to be vetted better in our authorizing committee, and I look forward to that opportunity.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time. I listened to my friends from Oregon talk about this, and I substantially agree with everything that they are saying, but I do oppose the amendment.

I believe it is extremely important that we continue on this process. Obviously, it is a very popular program that has some problems, and as the authorizing committee which both of the gentlemen from Oregon sit on, we are going to sit down in the next couple of months and reauthorize this program and fix the very problems that you are describing here today.

I happen to believe that all of this money should go to increasing the enjoyment of the recreational experience on these lands. That was the intention of this program when it was adopted. The money should not be going to other things. That is the intention that I have going into authorizing this for all public lands, and I believe it is extremely important that we continue doing that.

I think it is a mistake to limit this at this point in time to just Park Service. I do understand what the gentleman's argument is, but I think it is a mistake at this point to do that.

I can tell my colleagues that I have had serious concerns over this program in the past and we have talked about that, but I do believe that we need to continue on with the program the way it is right now.

The authorizing committee is going to sit down and work on this. Obviously the gentleman from Oregon (Mr. DEFAZIO) is going to be a big part of that effort to move forward with reauthorizing or authorizing this program into the future, and the gentleman from Oregon (Mr. WALDEN) will as well. But we are going to do that.

I think it would be a mistake at this time to limit it just to the Park Service. It is an important source of revenue for local recreation in these areas, and I think that we need to continue doing that.

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

Mr. POMBO. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I share a lot of the sentiments expressed by the chairman. But I would point out that both of these programs, both the Forest Service and the Park Service are authorized by the appropriators through October 1 of next year, which would give our committee more than ample time to authorize before the expiration. Just to have a degree of certainty because people are so concerned about the parks, I said, well, the parks would still fall under the 2-year extension here. But the Forest Service, I just want to make sure that we get it done and the other body does not somehow mess us up on this.

Mr. POMBO. Mr. Chairman, reclaiming my time, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman. The gentleman from California (Mr. POMBO) is going to be studying this and making sure that these fees are for actual services, not visiting the recreation lands that the public already has paid for and owns, but getting special recreation services; is that correct?

Mr. POMBO. Yes, sir. The intention of myself and my committee is that this money will be going to enhancing the visitors to these recreational areas and national parks.

Mr. TAYLOR of North Carolina. Mr. Chairman, if the gentleman will further yield, if we find, I would say to the gentleman from Oregon (Mr. DEFAZIO) and to the gentleman from California (Mr. POMBO), that we are not providing actual services, I will join the gentleman in supporting the DeFazio amendment.

Mr. POMBO. Mr. Chairman, reclaiming my time, I appreciate that. And we have had the opportunity to discuss this in the past. There is a lot of concern, as the gentleman from Oregon (Mr. DEFAZIO) has brought up, about how this money is being used and whether or not it is going to enhance the experience of the people that are paying for it as it should. That is something that we are going to change. There is going to be very strict guidelines that come out of an authorization that goes to these agencies so that this does not happen in the future.

I will say I oppose doing the amendment at this point in time, but I will tell the gentleman from Oregon (Mr. DEFAZIO) that in the future, if we cannot authorize this program and change the way that it is being run, that I would join him in eliminating the program all together, because I think people that are paying to go into these Federal lands, these public lands should be getting something for their money, and I think there is a big question as to whether or not they are, the way the program is currently being run.

So at this point in time, I oppose the gentleman's amendment. I will work with him and others that have concerns over this program so that in the future, we have a program that works and enhances the experience that people have.

Mr. DEFAZIO. Mr. Chairman, could I get the division of the time that is left?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 6 minutes remaining; the gentleman from North Carolina (Mr. TAYLOR) has 3 minutes remaining.

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

Mrs. CAPPS. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the bipartisan DeFazio-Bradley amendment to remove the bill's provision extending the recreation fee demonstration program. I rise also in support of the conversation which has just occurred and am happy to follow my California colleague, the Chair of the authorizing committee, first to note that this is not just an Oregon issue. There are thousands of miles of public lands, a lot of that in the western States, which are not national parks, but which are national forests and have multiple access points.

In my district on the central coast of California where Los Padres National Forest is in our backyard, few issues have galvanized such opposition as what we have come to call the recreational fee demonstration program known locally as the Adventure Pass.

□ 1100

There are many takes on that word by many of my constituents.

As the gentleman from Oregon (Mr. DEFAZIO) has said, this Recreation Fee Demonstration Program was passed into law without hearings in authorizing committees and without public debate. It sounds like it now will get a full hearing within an authorizing committee, which is a good thing. The program should not be blindly extended, however, another 2 years without oversight or debate.

I support full funding, as all of us do, for our national parks and recreation areas. I recognize there is a serious backlog of maintenance and recreation needs on our Nation's public lands, and a lot of that exists within these beautiful forests on the central coast of California.

The mismanagement of the program by the Forest Service as it exists today is staggering. The program was created to address the maintenance backlog on public land facilities, but only 50 cents of every dollar collected goes toward maintaining or improving our public lands. The rest is eaten up by administrative and collection costs and also litigation costs. Fifty percent overhead costs does not make an effective government program.

Let us find more equitable sources for this money. Americans should not be charged twice, our constituents say that over and over again, first through their taxes and then again through these fees to go and have a picnic in their backyard, to take a hike, getting out of their car and see a sunset in our national forests. Big logging companies are receiving subsidies for their activities on these very same lands.

Our national forests are natural treasures to be enjoyed today and to be preserved for future generations. I think we can accomplish this goal, but we should end the Adventure Pass misadventure. Let us go back to the drawing board, it sounds like we may be doing that, have hearings on this demonstrations program and conduct a full and open debate. I urge my colleagues to support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

I agree with what the chairman of the Natural Resource Committee had to say, the gentleman from California (Mr. POMBO); and I think the problems of concern here can be addressed in a hearing for permanent legislation. So I think the chairman is right on.

I just want to point out this past week the National Public Radio had two segments on maintenance in the parks, and they probably overstated the case substantially about how terrible maintenance is, but without the billion dollars that had been brought in over the past 3 or 4 years from the fees, it would be a lot worse. And these fees are to stay in the park or the forest or the Bureau of Land Management, or whatever it might be, to enhance the visitors' experience. We want them to have good restroom facilities, trails, and the things that are important to the visitors.

To pass this amendment would confuse the public. Because the fee program is a package. It includes the Park Service, Bureau of Land Management, Fish and Wildlife, and USDA. The Forest Service has received over the period of this experimental program $206 million; and that has done a lot to enhance the visitors' opportunities.

But I think the questions that have been raised by the gentleman from Oregon (Mr. DEFAZIO) and addressed by the chairman of the Committee on Resources ought to be the subject of a hearing to make sure that the program works well for everyone.

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

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

Mr. DICKS. Mr. Chairman, I just want to associate myself with the gentleman's remarks. The gentleman from Ohio (Mr. REGULA) was the person who was really the driving force behind the creation of the rec demo program. I think it has done enormous good, particularly in our parks areas. I think the chairman of the authorizing committee has given us appropriate promises that they will deal with this issue. I think we should defeat the amendment.

Mr. DEFAZIO. Mr. Speaker, Mr. Chairman I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

(Mr. BRADLEY of New Hampshire asked and was given permission to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Chairman, I appreciate the commitments made by the gentleman from California to look at this very onerous program as it is implemented in the White Mountain National Forest in New Hampshire.

I am an avid hiker. I am taking part in what for many people in the Northeast is a lifetime accomplishment, to try and climb all of the 48 peaks in the White Mountain National Forest; and I am at 37. I constantly am hearing from my constituents how little they like this program and the reason they like this program so little is the hassle that is involved, and then to find out that the administrative costs are so staggering.

I really appreciate the comment from the gentleman from California to look at this, but I believe we can pass this amendment and finish and make a very clear statement that the program as it exists today does not need to be extended past September, 2004, and make sure that if a subsequent program comes into effect in the future that it is well run, that the administrative costs are within reason, and it is not an onerous burden, in particular, on the people that use the national forests where there does not need, in my opinion, to be an expensive-to-collect forest fee. I look forward to working with both sides on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose the amendment. Before I do that, I would like to correct one thing on the record a few minutes ago. A statement was made that the timber companies get huge bonuses for cutting timber on public lands. That is not true. Timber companies bid for timber, a very little bit of it that is put up for sale, and there is no subsidy. They bid for it. They win the bid, and they pay for it. I do not know how you call that a subsidy.

Back to this issue. I have many forest service recreational sites in my district. We do not get a lot of complaints on this program. I see the benefits as where the money is put back into enhancement.

Let me tell you why it was needed. This Congress every year will take money that ought to go for maintenance of our parks and our forest service recreational sites to buy land. Buying lands wins every time. We have underfunded every one of our recreational opportunities, and because of that we have gone to a demonstration fee.

My State parks have fees. We want enhancement. People like these sites. People are using these sites more and more. They are wonderful. But if we want them well-maintained, we will have to help pay for them.

I think there are some problems in this system, but everything I have heard today would be very fixable.

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

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 2½ minutes remaining. The gentleman from North Carolina's (Mr. TAYLOR) time has expired.

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

Mr. Chairman, the key points here are, and a number have been made by the gentleman from Ohio (Mr. REGULA) for whom I have great respect, that the Park Service needs this money. They do, and that is why I have offered this amendment. It is to make certain that we cannot fail in our duty to the Park Service. This would extend 2 years further, which means a grand total of 38 months for the Park Service before we would have to pass an authorization; and surely the United States Congress in 38 months can come up with a permanent authorization for the Park Service.

But what I fear is, and we have heard this before on the floor, I heard 5 years ago from a former chairman of the authorizing committee that he would never, ever support further extension without proper authorization. The gentleman is now retired, but we did reauthorize this program with a rider in an appropriations bill without going through the authorizing process.

I am pleased the current chairmen of the full committee and the subcommittee are working on legislation, but I fear this takes the pressure off, that if we pass now an extension for another 2 years from October 1 of 2004 for the United States Forest Service, we will not get to cleaning up that program and making the changes that need to be made.

I am surprised anyone would want to support a tax where 50 percent of the tax is spent on overhead, and that is what is happening with the Forest Service. And the other 50 percent we do not really know where that money is going. There is no tracking. There is nothing to show that is going to meet inventoried unmet needs or enhancement needs for the recreational experience of the people who are paying this tax. And it is, in fact, a tax.

Take the town of Oak Ridge in my district, totally surrounded by the national forests. If they go out to recreate with their families, just to drive up the nearest roads to park and walk over and fish, it is a paved maintained road, they are going to have to pay $35 to do that. Now that is not right. It is a low-income community, and it is just not right. They are surrounded by national forests. They don't have any options. They have to pay this tax.

Then, to add insult to injury, half of the tax they are paying is going to bureaucratic overhead; and they do not know where the other half is going because the Forest Service is not tracking it. We have no system.

I am certain the authorizing committee can rectify those matters, hopefully even eliminating a requirement of a tax on people who want to go to undeveloped recreation. I have no problem with charging this. It would obviously allow the continued charges at parks, but I do not have a problem for continuing to charge for developed campsites, boat ramps, special use areas, and other things on Forest Service and BLM lands.

I would urge my colleagues to support this because I fear if we once again, through this process, extend this for 38 months into the future for the Forest Service, we will never get to correcting this program.

Mr. MCINNIS. Mr. Chairman, I rise today to provide broader explanation of my vote in favor of an amendment offered by my colleague, PETER DEFAZIO, which would remove a provision from the Interior appropriation spending bill extending the Recreation Fee Demonstration Program for the Forest Service, BLM, and Fish and Wildlife Service.

Historically, Mr. Chairman, I have been a proponent of the Rec Fee Demo Program under certain narrowly tailored circumstances. Regrettably, recreation-related appropriations have never reached the level of need. The agencies covered by the Fee Demo Program have experienced massive and growing deferred maintenance backlog expenses, large portions of which are recreation related. At the same time, more and more Americans are flocking to our national forests and parks to experience the wonders of nature. Under the weight of these self-escalating pressures, both the resource and the user-public suffer. This is unacceptable. I have supported the Recreation Fee Demo Program as a mechanism to augment recreation-related appropriations.

But when the Fee Demonstration Program was established as part of an appropriation bill in the middle 1990s, it was done so on a pilot basis. It was a public policy experiment—a test of the user pays concept, and the ability of the affected agencies to implement this authority fairly, wisely and with accountability, both to Congress and the user public.

Today, some 9 years after Congress initiated this laudible test, and several Fee Demo extensions later, I believe it is time for Congress to make a longer term judgment as to whether or not the program should be extended into the future. Piecemeal extensions for all agencies that yield no oversight and exact no accountability are not longer in order. I believe it is time for Congress to sit down and in a thoughtful and deliberative way review this experiment and determine what has worked and what hasn't.

We need to enter into a dialog with the user public, the affected agencies, the General Accounting Office and others with a stake in this program and make an informed decision—an accounting of lessons learned. Where weaknesses in the program exist, Congress should address them. Where strengths are found, those should be augmented. Where accountability has been lacking, greater accountability should be required. In any case, there is a legitimate policy debate that must be entered into before we again decide to extend this user pays experiment.

So while I commend Chairman TAYLOR and all of the Appropriations Committee members and staff who have worked so hard on this program over the years, I am voting for the DeFazio amendment today with the knowledge that I intend to work with the chairman of the Resources Committee, Mr. POMBO, as well as other interested member of the Resources and Appropriations Committee, in a deliberative and systematic discussion about the future of "user pays" on our national parks, national forests, and public lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 333. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–61) is amended to read as follows:

"(c) USE OF FUNDS.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.".

SEC. 334. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000, as enacted into law by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1501A–204; 16 U.S.C. 528 note,), is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "not less than the fair market value" and inserting "fees under subsection (c)"; and

(B) by striking the second sentence and inserting the following: "The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.";

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.";

(3) in subsection (d)(1), by striking "charges and fees under subsections (b) and" and inserting "a fee under subsection";

(4) in subsection (f)—

(A) in paragraph (1), by striking "subsections (b) and" and inserting "subsection";

(B) in paragraph (2), by striking ''in excess of the amounts collected for forest botanical products during fiscal year 1999'';

(C) in paragraph (3), by striking ''charges and fees collected at that unit under the pilot program to pay for'' and all that follows through the period at the end and inserting ''fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1).''; and

(D) in paragraph (4), by striking ''subsections (b) and'' and inserting ''subsection'';

(5) in subsection (g)—

(A) by striking ''charges and fees under subsections (b) and'' and inserting ''fees under subsection''; and

(B) by striking ''subsections (b) and'' the second place it appears and inserting ''subsection''; and

(6) in subsection (h), by striking paragraph (1) and inserting the following new paragraph (1):

''(1) COLLECTION OF FEES.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2009.''.

SEC. 335. None of the funds in this Act can be used to initiate any new competitive sourcing studies.

AMENDMENT NO. 7 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SESSIONS: Strike section 335 of the bill (page 154, lines 12 and 13).

Mr. SESSIONS. Mr. Chairman, the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform and I approach the floor today to discuss section 335 which would block the Department of Interior from conducting public/private job competitions. As a result of this opportunity to be on the floor, the gentleman from Virginia (Mr. TOM DAVIS) and I have chosen to have side-bar conversations with the chairman of the committee.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Let me make a couple of comments.

First of all, the underlying language in the bill gives me concern because it stops all competitive sourcing in the Department of Interior. I think the current administration plans are probably an overreach. I think there are a lot of concerns that are expressed over the current A–76 circular, and I get concerned sometimes that they may be biting off more than they can chew, moving a little faster and competitively sourcing too many things at one time and not exercising the appropriate oversight.

But I think banning it in its entirety from this or any other agency is probably ill-conceived because, after all, this is one of the pillars of the administration's management policies, of their agenda. This provision constitutes really an unprecedented intrusion in the executive management discretion.

Having said that, I do want to express a couple of concerns about the President's agenda on this issue. One is that we need to be concerned about Federal employees who enter for career service and will have their jobs uped every 5 years. And I think for competitive sourcing in terms of their being able to look at the appropriate career path, particularly in some of these areas, we have talked to a number of Members on this, and if we could get some kind of reading where the President would have some kind of flexibility in this area, I think we could move ahead.

I appreciate my friend, the gentleman from Texas (Mr. SESSIONS), offering this amendment. I think it is the right way to go when you get overreaching amendments like this on there, and I certainly support his efforts.

Mr. SESSIONS. Reclaiming my time, I would like to engage, if I could, in a colloquy with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, concerning this matter.

Mr. Chairman, it is my hope and belief that you and I will be able to work together on this issue such that it might be able to be resolved in conference; and it is my understanding that what we will do is, as we work towards that resolution, it will allow completion of the work today to move on this bill and then that negotiation to begin.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's understanding, and I certainly will be willing to work with him.

I want to say at the outset we do not oppose competitive sourcing. I also want to say that this is not a limiting amendment. Section 335 provides that all studies that are currently ongoing for fiscal years 2002 and 2003 shall be completed and the results of those studies should be reviewed before new studies are initiated. The language makes no judgment on what the outcome of those studies should be, and it merely is an attempt to ensure appropriate congressional oversight of this important initiative.

The Interior Committee on Appropriations is no stranger to competitive sourcing. In 1996, the committee required the United States geographical survey to contract out 60 percent of its map and digital data activities. In 1999, the committee required the outsourcing of 90 percent of the National Park Service's consultant operations. So we are certainly no stranger in outsourcing, and we do not oppose that at all.

What we expect is clear budgeting in annual budget requests the amounts and purpose of the study, complying with the committee's reprogramming guidelines for use of funds that have not been clearly indicated in budget request, and OMB should provide clear direction to the agencies on how to manage these studies in a fiscally responsible manner.

□ 1115

We will be happy to work with the gentleman from Texas between now and conference, and hope that we can do that.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I also thank the gentleman from Virginia (Mr. TOM DAVIS) the chairman of the Committee on Government Reform. It is obvious to me, based upon this dialogue, that we will work diligently between now and the time that the conference on this important bill comes forth.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to the Sessions-Davis motion to strike the bipartisan language in the FY 04 Interior Appropriations bill that protects our National Parks by requiring a reasonable delay in the administration's efforts to outsource National Park Service jobs.

As the Ranking Member of the National Parks and Public Lands Subcommittee, I have met and worked with many of the hard-working men and women of the National Park Service—a significant number of whom are minorities and women. Instead of promoting and increasing diversity within the Park Service, it is likely to do the opposite, especially at higher levels, but we appreciate the Director's concern for this and want to work with her and staff to ensure such diversity is enhanced.

It disturbs me, that the National Park Service has spent millions of dollars on outsourcing positions which are central to the protection of our national treasures at the expense of enormous pressing fiscal needs of the parks, without Congressional approval.

Furthermore, the significant costs of fulfilling the Administration's quotas are unfunded and these costs could seriously hurt visitor services and seasonal operations. The privatization of 808 of the 1,708 jobs in question could carry consultant costs of up to $3 million.

The bipartisan language in the Appropriations bill, which this amendment seeks to strike, protects the national parks by requiring a reasonable delay in the administration's effort to outsource National Park Service jobs. It would provide a reasonable pause in order that these issues are evaluated responsibly and that their ultimate resolution is in the best interest of protecting our national Parks for future generations.

I urge my colleagues to reject this motion to strike and support our National Parks and the hard working men and women who are dedicated to their protection.

Mr. MORAN of Virginia. Mr. Chairman, I rise today to speak against the Sessions-Davis amendment. The provision contained in the Interior Appropriations bill that this amendment seeks to strike, is a well-crafted, bipartisan effort that has the support of both the Chairman and the Ranking Member of the subcommittee.

After careful review of the Office of Management and Budget's competitive outsourcing initiative, the subcommittee believed that the

massive scale on which the initiative is being carried out and the arbitrary targets involved is of great concern, especially considering the enormous costs associated with the initiative which are expected to be absorbed by the agency.

During last year's consideration of the FY03 Treasury-Postal Appropriations bill, I offered an amendment prohibiting OMB or any other federal agency from using numerical quotas, targets, or goals for outsourcing initiatives. The point was to give federal agencies the flexibility to contract out as much or as little government work as they feel is necessary to meet their mission requirements.

The House passed this amendment overwhelmingly with bipartisan support. Unfortunately, the provision was watered-down in conference and the administration is still moving full steam ahead with their quotas-driven agenda for the current fiscal year.

As has been reported in the news over the last several weeks, in an effort to meet OMB's quota for the end of this fiscal year, the Interior Department has targeted thousands of jobs to be outsourced including archaeologists, scientists, engineers, and firefighters. Specifically, Interior's quota is 5,000 jobs, with the biggest piece—1,708 jobs—coming from the Park Service.

To conduct these massive outsourcing studies, the department is diverting critical funds and staff from high-priority assignments and consumed funding that is directed towards fulfilling important mission-essential requirements.

Personel from the Interior Department agencies, including the National Park Service and Forest Service, have expressed concern over the declining morale due to OMB's rigid and arbitrary requirements.

With this country in the midst of a ''human capital crisis'' what kind of message does this send in recruiting and retaining our best and brightest to safeguarding America's natural treasures.

Time and again, OMB has refused to supply any research or analysis to justify the privatization quota, despite a report requirement in the FY 2003 Omnibus Appropriations Bill.

What Section 335 in the Interior Appropriations bill does is limit competitive outsourcing studies that are underway for fiscal years 2002 and 2003 until the department and agencies submit a report detailing schedules, plans, and cost analysis.

Striking this section would only give OMB the green light to continue with their competitive outsourcing initiative without the oversight and accountability reasonably requested.

I understand the sponsors of this amendment have agreed to withdraw their amendment. I thank them for doing so and support the retention of Section 335 of the Interior Appropriations bill.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in opposition to this amendment.

Section 335, which this amendment would strike, is a calm and measured response to a problem that is jeopardizing the ability of the Department of Interior and related agencies to safeguard America's natural treasures.

This is about taking measures to make sure our national treasures are not put at unneeded risk by brash privatization with unclear results. The section would not halt the many outsourcing studies currently ongoing, nor would it stop new outsourcing studies from being commissioned before this bill is enacted. It would simply suspend privatization efforts in 2004 to allow the House Appropriations Committee to review an ''in-depth'' report on the results of pending privatization efforts.

Section 335 is crucial because Interior and related agencies are currently under extraordinary pressure to privatize critical programs because of an onerous quota imposed upon all agencies by OMB to review for privatization 15 percent of their ''commercial'' activities by the end of fiscal year 2003.

This quota is being applied regardless of the impact on the mission of Interior and related agencies or the needs of all Americans who depend on those agencies for efficient and reliable service. In fact, OMB has refused to supply any research or analysis to justify the privatization quota, despite a report requirement in the FY 2003 Omnibus Appropriations Bill.

The Forest Service expects to spend $10 million during FY 2003 to meet the competitive sourcing mandate from the OMB. Instead of concentrating on bolstering emergency fire fighting, the Forest Service's contracting officers will be carrying out OMB's privatization quota. Instead of using funding to hire seasonal employees to handle the crush of summer visitors and making much-needed repairs to bridges, cabins, and historic buildings, the National Park Service will be paying high-priced privatization consultants. As the Committee report states, ''this massive initiative appears to be on such a fast track that Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made.''

That is reason enough to temporarily pause the funding of new outsourcing studies.

In addition to the devastating impacts this arbitrary outsourcing quota could have on the visitor services and seasonal operations of our National Parks and Forest Service, this plan will significantly undermine the diversity in the National Parks Service and Forest Service workforce. According to one Administration official, the current plan to outsourcing more than 1,700 jobs by the end of Fiscal Year 2004 will disproportionately affect minorities.

This comes at a time when the Park Service has explicitly stated its mission to improve diversity in its rank and file.

The fact is, we don't know what the full impacts of the OMB's privatization plan will be. That's why this language was put in the bill, and why it should stay in the bill.

Section 335 is bipartisan.

Section 335 would not prevent Interior from continuing privatization reviews already underway.

Section 335 simply says, ''proceed with caution'' when it comes to our national treasures.

I urge my colleagues to vote against this amendment. A ''no'' vote is a vote to protect our National Parks and Forest Service.

Mr. DAVIS of Illinois. Mr. Chairman, on this day, I will join many of my colleagues in voicing my disapproval of the amendment presented by Rep. Pete SESSIONS and Rep. Thomas M. DAVIS III on H.R. 2691. H.R. 2691 makes appropriations for the Interior Department and related agencies for the fiscal year 2004. This amendment strikes out Section 335 from the bill which prohibits new competitive sourcing studies.

In the Interior subcommittee's report language, a bipartisan majority of lawmakers expressed concern about the massive scale, the arbitrary targets, and the cost. This initiative remains on a fast track, without consideration for the implications or impacts of such a massive privatization scheme. The haphazard manner in which agencies are implementing privatization has had a horrendous impact on the agencies' abilities to provide basic services and due to incredibility short timeframe, agencies have been unable to designate and protect those programs that are ''inherently governmental'' as well as critical programs, which should not be subject to privatization.

While we support our federal agencies in their efforts to streamline their processes, we contend that all efforts to ensure the success of innovative process management requires due diligence, and should be afforded all resources necessary to conceptualize, plan, test, implement and evaluate said processes. As our agencies are forced into a trust relationship with contractors, they are faced with conflicts which impact their Vision, Mission and Goals of providing efficient and effective quality services to our Nation, while ensuring the solvency and viability of its organization and workforce. We must remain diligent and steadfast in our efforts to protect the Workforce of America, and we must ensure that we do not replace our existing workforce with a new Corp of Contractors, whose Statements of Work preclude them from the commitment and accountability which has remained the focus of our Federal workforce.

Mr. Chairman, I urge my fellow members of Congress, to vote ''no'' on this amendment, which, sir, is a vote ''yes'' for the future of America and her workforce.

Mr. SESSIONS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply like to say that I am pleased to see that the proposed amendment was withdrawn, but I just needed to respond to one thing that one of the previous speakers said. I believe it was the gentleman from Virginia who indicated his disquiet about the committee provision because he said this goes to ''one of the pillars of the administration's management policy.''

That may be, but I think it is worthy to note that the administration's initiative runs the risk of screwing up one of the pillars of American excellence, which is the National Park Service. To me the value of keeping the National Park Service whole without outsourcing many vital activities of the Park Service is that you, first of all, maintain the institutional memory that comes from that dedicated service. You maintain the passion for the mission of the National Park system, which is I think part of the appeal to virtually every American citizen who visits one of the crown jewels of this country's heritage.

I think it is also worth noting that the park system lives off the volunteer activities of thousands of Americans

who give their time and service to help fill in the gaps in making certain that those parks are fully open to everyone. I think it is obvious, and I know I have heard many volunteers say, look, I give hours and hours of time to the parks, but I would not give one hour of time simply to improve the profitability of a corporation.

I appreciate the gentleman's desire for some flexibility on this, and I know that the gentleman from North Carolina (Mr. TAYLOR) means what he says on that score, but I would hope that the administration will take a second look at what they are doing with respect to the Park Service. Because if there is one institution in which the public has confidence, I think it is the National Park Service.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I join with the gentleman's comments on the Park Service. The difficulty with this amendment is it was Department-wide throughout the Department of the Interior. Hopefully, we can come up with some satisfactory language that will satisfy the gentleman's concerns and ours as well.

Mr. OBEY. Mr. Chairman, in addition to the Park Service, I think there are many other agencies that are just as professional and just as crucial, such as the Forest Service, the Bureau of Land Management, and many others. I marvel at the quality of individuals who are in many of those jobs throughout the country.

The parks are a spectacular national asset, and I think we have to take great care before we mess something up. If ever we ought to follow the rule ''If it ain't broke, don't fix it,'' we ought to follow it with respect to the Park Service, the Forest Service, the Bureau of Land Management and many other services who have incredibly dedicated employees, at least as dedicated as any of us are.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to add my own personal concern here, particularly with the Forest Service and the Park Service, because the way the funding for these studies were done violates the reprogramming agreements that the Committee on Appropriations has with the agencies. This has been called to their attention by the committee with the chairman's leadership.

I think it is very crucial that we protect the integrity of the reprogramming process so that agencies are just not taking money and going out and doing these studies without getting the prior approval of the Committee on Appropriations subcommittee.

Mr. Chairman, I rise to oppose the gentleman's amendment to strike the language carried in our bill with broad committee support.

The bipartisan language related to competitive sourcing was well-though out and should remain in our bill. Congress must ensure that our agencies are not spending untold millions of dollars related to outsourcing activities without any defined plan from the administration about what the goals are and how much money they intend to spend.

I am deeply concerned about the loosely defined policy and believe that the committee was well within its bounds to simply ask for a ''pause'' until we can better understand the parameters of the policy. The Chairman and I were extremely surprised to learn that agencies within the jurisdiction of our Subcommittee were spending, or were planning to spend, millions of dollars on competitive sourcing without coming to the Committee through the normal budget process to tell us how they intended to pay for it.

Recently we learned that the Forest Service had already committed $10 million on these studies despite the fact that they are still owed $372 million in un-repaid forest-fire borrowing from 2002. The agency also admits that their budget for the National Fire Plan is insufficient, making borrowing more likely each season. For the life of me I simply cannot understand how the Forest Service could find the money to study outsourcing when they clearly don't have the money to fight forest fires without raiding other accounts.

Adding to this, neither the Forest Service nor the National Park Service has come to the Committee for a formal reprogramming. Instead, the agencies apparently moved forward on this on their own. I am deeply troubled that the Park Service would undertake this effort without prior approval from Congress, especially since their own budget estimates suggest that these studies would cost $3,000 per FTE.

Last month, Mt. Rainier National Park in Washington State was featured in an article in the Washington Post regarding outsourcing. The article detailed a memo that was sent to parks in the West from the Director's office that warned of budget cuts to pay for anti-terrorism policing and consultants to study outsourcing. Cuts that meant several projects that were ready to go in these parks would not happen this year. Administrators at Mt. Rainier had been instructed to absorb a 40% cut in their repair budget, which obviously meant several projects would not happen.

I have been a member of this Subcommittee for 27 years. I am intimately aware of the backlog of maintenance on our public lands—and particularly our parks. Yet here we see money being literally pulled back from the field—money that Congress appropriated and directed how it would be spent—going towards consultants. As soon as I finished the article, I called Park Service Director Fran Mainella personally. I was able to get an agreement with her that this money would in fact not be pulled from Rainier—but I'm not convinced that other parks are not in some jeopardy.

I understand the agencies seem to be caught in the middle of a larger issue between the Office of Management and Budget which is pushing hard on outsourcing, and the Congress which is understandably concerned about the policy. This is precisely why we need this language. We have got to have a better understanding of the goals and costs of outsourcing. Only then can we make a rational decision about how—or if—to proceed.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Texas (Mr. SESSIONS) and the gentleman from Virginia (Mr. TOM DAVIS) for withdrawing their amendment. I was planning to oppose the amendment and speak on the floor. I think as they work with the gentleman from North Carolina (Mr. TAYLOR) to work out compromise language, it is a step in the right direction. It is very important that we do this in a systematic way.

I have supported the gentleman from Virginia (Mr. DAVIS) and continue to believe that contracting out is one method to make government more effective. I believe contracting out has worked well, including in the Park Service. Some parks are 50 percent contracted out already.

The question is, do we move full steam ahead, kind of willy-nilly bidding, or do we do this in a logical, orderly way? Some of these areas are in very remote areas. Contracting will work or not work in some of the urban areas. There are many variations in the Park Service and other institutions.

Generally speaking, I believe it is important to put on the record that parks already contract out. The Forest Service already contracts out. We need to have an analysis on where they are on that. It is not whether Members are for or against the original amendment. It is not for or against contracting out. It is more what the chairman was trying to address. Let us do this in a logical way.

I hope the conference compromise works to address that, but I am concerned that just to do it the way the administration was going ahead with the National Park Service would have done grave damage to the most effective institution and an institution which already had been following mandates on contracting out at a time when they are under tremendous budget pressures, when we in Congress keep adding units to the Park Service, keep adding heritage areas to the Park Service, and while we have increased funding, have not increased funding at a rapid enough rate.

We have homeland security pressures on the parks, narcotics pressure, and at the same time the money is not keeping up. This would have had a tremendous demoralizing effect on the entire National Park Service had we not taken this effort to work it out.

At the same time, I think it is important to acknowledge that there will be contracting out, there has been contracting out, and we just need to do it in an effective way.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my great privilege to represent portions of Mount Rainier National Park and Mount St. Helen's National Monument. I would like to associate myself with the remarks of the gentleman from Indiana (Mr. SOUDER).

I personally know some of the people who work in these fine resources for the benefit of the American people. Our

national parks are truly great treasures of the people of not only our country but the entire world. The people who work in these parks are not there, for the most part, for the money. They are there because they value and cherish this resource.

I can tell Members, having spoken to some of these folks, that this move towards privatization has had a chilling effect on morale. Let me share two brief anecdotes not just germane to this issue but about the broad effect of privatization.

A dear friend of mine works for the U.S. Geological Service, and he told me that when he first began working for USGS he and his colleagues put in typically 60- 70- 80-hour work weeks, not getting paid overtime, just putting in personal time because they so cared about their mission. Indeed, when Mount St. Helen's erupted, many of the geologists who were there had taken vacation time on their own time to be there to study that danger, and some lost their lives in the disaster.

Last week, I was flying back here with a member of the civilian workforce who is in charge of safety at naval facilities. She told me that what surprised her most was how dedicated many of her employees were even as they faced privatization. But I also hear that it is only humanly natural, if one believes their job is soon to be put on the block, it is difficult to establish the institutional loyalty to put in that overtime, to develop the career path that will lead to the skilled and the trained and accomplished experienced workforce we need to staff our parks and other Federal agencies.

In the name of our dear love for these resources, I plead with the committee to make sure that we do not move forward with this privatization. I thank the sponsors of the amendment for withdrawing it, and I will vigorously oppose the amendment should it reemerge.

Mr. SHADEGG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on the issue of hazardous fuels reduction activities, as the gentleman from North Carolina knows, many of our national forestlands are covered with unnaturally dense vegetation. This unnaturally dense condition has contributed immensely to the devastating wildfires which the western United States is experiencing right now and which it has experienced for the last several years. My own State of Arizona is experiencing the most severe wildfires of the entire West right now and is being devastated by those fires.

Scientific research has shown that unnaturally dense vegetation not only leads to an extreme risk of catastrophic wildfire, such as the Rodeo-Chediski fire we had in Arizona last year and the Aspen fire we are having this year, but also that overgrowth in and of itself is extremely damaging to the health of the forest ecosystem.

One example is the bark beetle infestation, which is currently affecting over 800,000 acres of forest in Arizona, and whose outbreak was directly tied to the overdense tree growth in our forests. Insect infestation not only kill and weaken the vegetation but also increase the threat of fire.

Hazardous fuels reduction treatments which are narrowly confined to the wildland-urban interface are simply ineffective to reducing the risk posed by catastrophic wildfire both to communities, watersheds and to the overall forest ecosystem. During the Rodeo-Chediski fire, which destroyed almost 1.5 million acres in Arizona, that fire jumped on some occasions more than 3 miles ahead of the main fire line. As a result of that, it is obviously futile to confine hazardous fuel treatment activities to just the narrow wildland-urban interface, a ban often defined as half a mile wide. If the fire can jump 3 miles, thinning and protecting a half mile will not protect the forest or the communities.

Mr. Chairman, I appreciate your efforts on this issue and I would like to clarify that the Forest Service hazardous fuels and authorities in this legislation are not limited to that narrowly defined wildland-urban interface but may be used in those areas of the forest where hazardous fuels reduction activity is needed the most, not just to protect homes and structures in communities but also to protect the forest itself and the overall forest ecosystem.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman. I agree that many of our National Forests do have unnaturally dense growth which contributes greatly to the extreme threat of catastrophic wildfire that our forests and communities face. Such fires pose a serious threat to the lives and homes of individuals who live in these communities and also to the health of the forest ecosystem, as the gentleman points out. Using funds and authorities in this act, the professionals of the Forest Service should use the best local information to prescribe treatments where needed to effectively reduce the threat of wildfire by improving the health of the forest ecosystem.

Mr. SHADEGG. Mr. Chairman, I appreciate the efforts of the gentleman from North Carolina (Mr. TAYLOR), and I appreciate the gentleman clarifying that those funds can be used where most needed.

□ 1130

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), Insert the following new section:

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 one percent.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes to be equally divided between the proponent and an opponent.

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

There was no objection.

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

Mr. Chairman, I will admit that I offer this amendment with a great deal of ambivalence because the gentleman from North Carolina (Mr. TAYLOR) takes a back seat to no one when it comes to trying to get control of the spending of our Federal budget. I have appreciated that over the years and have worked with him over the years on this effort.

This amendment does offer an across-the-board cut of 1 percent or about $194 million. Actually I think this is generally a good bill. It addresses concerns that I have concern about, many things that are very important to me, many areas that I have been concerned about for years, including wildfire prevention and suppression. It has managed to do this at a level of about $186 million less than last year. I appreciate that. That took a lot of effort. It is still $110 million over the President's request, however.

I offered a similar amendment on the Labor-HHS bill a week ago and intend to do this on most of the appropriations bills, so it is no reflection on your bill. It is just that I want some way to express the concern. Last week when we were talking about this, we were talking about a $400 billion deficit. Today they have changed those projections and now we are talking about a $450 billion deficit and say next year it will be $475 billion. When I arrived in Congress in 1987, we were running a $200 billion deficit and everyone thought that was the worst problem facing us. I have devoted over the years a lot of attention to that. We finally did balance the budget, and now we have a deficit that is twice as much as we were talking last year.

I know that in circumstances like those we face with a sluggish economy and mounting war costs, that we need to show fiscal restraint and we need to show that balancing the budget is an important value and an important priority that we are still concerned about. It seems like when we have the excuse of the war and the economy, that all of a sudden we say, oh, well, we've got that excuse so we can continue to spend. I thank the gentleman for the good job he has done on this bill. I do offer this amendment and urge its adoption.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. I appreciate the gentleman's tireless effort in trying to work in the areas of budget control. I know yesterday the announcement was made that we are in a deficit of $450 billion. We must work to solve that this year and in future years as we move forward. That is why, Mr. Chairman, we have opposed a number of much larger amendments, of over $100 million or $500 million that have been proposed here yesterday and this morning. We have worked the best we can to balance this bill. We think it is a good bill.

There are 13 subcommittees. We work with one, with the Interior and Energy. We hope that we can convince the Senate to go with us and we will come out with a balanced appropriations bill that will be conservative as well as meet the needs of our Interior Department.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), the ranking member.

Mr. DICKS. Mr. Chairman, I have the greatest respect for the gentleman from Colorado, but I think in this case this amendment is ill-advised. First of all, on the issue of how much it would affect, it would take $196 million out of this bill, a bill that is already inadequate in many respects. We get right to the first two items, conservation spending, which has already been devastated, would be cut $10 million, and then right here on the issue that is so important out in the West, wildfire funding would be cut $23 million. The administration is up here with an emergency supplemental asking for well over $200 million to add to this. How could we cut $23 million out of wildfire spending in this across-the-board meat axe approach?

If you are going to have an amendment to reduce spending, I think you are better served in picking out the items you want to make reductions in. Maybe some of them would be over 1 percent. But to cut wildfire funding is just not responsible in the situation we find ourselves in. In fact, the agencies under this bill have had money borrowed from them to pay for the 2002 fire season that the administration has not even requested the funding to put back into place. So to compound that problem with another cut of $23 million to me is just not responsible.

And then you get over to the Bureau of Land Management and there is another $7 million for BLM fire that would be cut. So you have got $23 million in wildfire funding and another $7 million in BLM fire funding, and then you get to the Forest Service and it is $16 million, another $16 million. Or maybe it is the two of those together is $23 million. I think that is correct. The point is taking that kind of money out of this bill is just not right and it is going to go to conference. The House and the Senate are going to get back together. There is going to be a 302 allocation and we are going to fund the bill at the end of the day at the level that we have gotten an allocation for.

I think this is just a waste of time and I urge a ''no'' vote on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, while I oppose the amendment, I yield 1 minute to the gentleman from Colorado (Mr. HEFLEY) in opposition.

Mr. HEFLEY. Mr. Chairman, I have yielded back my time, and I do not want much time, but I want to say the gentleman from Washington is using the oldest trick that government uses and, that is, when any time you try to cut something, you pick out things and say, oh, it's coming out of here, it's coming out there. No, it does not have to come out here, and there. It can come out somewhere in there where they find waste, where they find things that are not the top priorities. You set the priorities and decide where that is. It does not have to come out of wildfire or some of the things are more high priorities. But this we do all the time. Anytime you talk about cutting, this is what we say we do.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I hate to do this to the gentleman because I have the greatest respect for him, but it says here, ''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.'' So it takes every line item and reduces it by 1 percent. That means $23 million comes out of firefighting. I do not think that is what the gentleman intended because I have the greatest regard for him, but this is why we should vote against this amendment because of its unintended consequence because the language says one thing and the discussion and description of the amendment says another.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT NO. 5 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. 5 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''.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. MANZULLO. Mr. Chairman, I am here today to ask this House again to engage in the struggle that we have to try to return this country to some semblance of a manufacturing base. We are now down to 14.5 million workers engaged in manufacturing. That is about 6 percent that we have lost in the past 2 years. For the past 35 months, we have lost an average of 55,000 manufacturing jobs. We are being bored out. The jobs that we have left in manufacturing, many of them you might as well say we are in the process of assemblers as opposed to manufacturers.

What this bill does is simply say as to acquisitions by the Department of Interior, which procured about $2.5 billion last year with regard to new construction, repair buildings, roads, dams, bridges, culverts and other projects, it simply says as opposed to using the 50 percent figure in the existing Buy American Act, that we raise it to 65 percent. This is no hardship to the Department from adapting to a higher percent of American domestic content for its procurements. We owe nothing to any foreign countries to guarantee them the opportunity to make things to put into our precious national parks. The area that I represent, Rockford, Illinois, in 1981 led the Nation in unemployment at 25 percent. Rockford today is at 10.5, 11 percent.

Again today I got a letter from another manufacturer closing down a facility saying, sorry, we're moving everything to China. I just wonder how much bleeding, how much hemorrhaging the people of this country can take where there no longer will be any manufacturing jobs left enough to pay the taxes to buy the things that the government wants to buy. This is a simple statement, that the things that we put into our national parks, the things that the Department of Interior buys, the desks, the telephones, the stationery, at least let us use our government procurement to level the playing field and to keep Americans employed.

I would implore this House if this amendment were in order, which it is not, but under any circumstances to force our government agencies, at least them, the ones that are using U.S. taxpayers' dollars, to increase the content of the things they buy from 50 to 65 percent.

Mr. Chairman, with that statement being made and because of the rules of the House, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 17 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 No. 17 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for ''NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'' and by increasing the amount made available for ''DEPARTMENT OF AGRICULTURE—FOREST SERVICE—WILDLAND FIRE MANAGEMENT'' for hazardous fuels reduction activities by $57,480,000 respectively.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes to be equally divided between the proponent and an opponent.

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

There was no objection.

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

The last two fire seasons have been devastating for the American West. Millions of acres in States like Arizona, Nevada, Oregon and Colorado have been reduced to charcoal by catastrophic wildfire. By most estimates, an additional 73 million acres at the very least remain at extreme high risk to catastrophic wildfire. To put that in perspective, 73 million acres is an area larger than the State of Arizona.

Central to reducing the threat that these unnatural fires pose to communities, water quality and wildlife is restoring our densely packed forests to a more natural state.

□ 1145

To do that, we must thin our forests.

Mr. Chairman, I believe that the Healthy Forests bill we passed earlier this year will go a long way towards streamlining the ''analysis paralysis'' that has prevented our land managers from reducing the threat of wildfire in our overstocked forest. But in order to carry out more thinning projects, as many of my friends on the other side are fond of pointing out, the Forest Service needs additional funds.

I want to give them an opportunity to put their money where their mouths are. If adopted, my amendment would transfer $57 million to the Forest Service for thinning operations from the National Endowment for the Arts. While this amendment only reduces its budget, few programs seem more worthy of outright elimination than the National Endowment for the Arts. First created in 1965, the NEA has been one of the most controversial government programs on the books almost since its inception. The most notorious aspects of the NEA have been talked about for many years, and I will not go into them today.

In a tight budget year like this, it is irresponsible to squander scarce public funds on subsidizing the arts to the tune of $117 million. Clearly, enhancing the ability of the Forest Service to protect communities from wildfire is a better use of our public funds.

In 1905, President Theodore Roosevelt's Agriculture Secretary James Wilson wrote a letter to the first chief of the Forest Service, Gifford Pinchot. In that letter Wilson wrote, ''and where conflicting interests must be reconciled, the question should always be decided from the standpoint of the greatest good for the greatest number over the long run.''

The choice between buying art with our tax dollars or protecting our communities from the catastrophic wildfires should be a no-brainer. It does not take a rocket scientist to determine which of these programs benefit the ''greatest number over the long run.'' I hope the Members will keep Mr. Wilson's words in mind when they consider the merits of my amendment.

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

The CHAIRMAN. Does the gentleman from North Carolina (Mr. TAYLOR) seek the time in opposition?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. The committee bill already includes a large $20 million increase for fuel reduction work, fully $15 million above the President's request. This work is essential, but the agencies can only ramp up so fast in, and extra funding is not needed this year.

Our bill makes a very strong contribution to the national fire plan. It is something that the Members can be proud of.

The bill also increases wildfire suppression funding by $179 million and an $89 million increase for wildfire land restoration, forest health projects, and State and community fire assistance. Despite the good intentions of this amendment, I must oppose it. We have a balanced bill, and we think that we can help in many areas, especially in the areas of forest restoration.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. DICKS).

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

I rise in opposition to the amendment. This would take $57 million out of the National Endowment for the Arts. I think that is a big mistake. We are going to work on these fire issues. The chairman and the committee have added funds for that purpose. We have money coming up in the emergency supplemental. So I think this amendment is not warranted and should be strongly opposed.

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

Mr. DICKS. I yield to the distinguished gentleman from Wisconsin, ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would simply say I would join both gentlemen in saying that some of these amendments I guess I would refer to as the ''anything you can do, I can do better'' amendments. It sometimes seems that no matter what the committee will do someone will want to move a dollar and a half around in order to make a political point. That is legitimate. Sometimes I do it. But I think we need to recognize it for what it is. There is no reason we ought to be robbing Peter to pay Paul. We ought to be funding both of these accounts adequately, and I would expect that by the time the bill works its way through the process, we will.

I thank the gentleman for yielding.

Mr. DICKS. Mr. Chairman, reclaiming my time, I will make one final comment. No Member has worked harder to increase funding for firefighting in these bills than I have. The gentleman from North Carolina (Chairman TAYLOR) and I have made this one of our very highest priorities and included a $335 million increase over the current year for firefighting programs. In addition, we have worked with the gentleman from Florida (Chairman YOUNG) to ensure that additional funds for the current fire season are included in the emergency supplemental bill which we hope to conference this week.

So what I would suggest to the gentleman is that he should join us in opposing the Hefley amendment that would take another cut out of firefighting. But let us all oppose the Tancredo amendment for this meat-ax approach to the endowment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I consume.

We are interested in how this is playing out. The gentleman just a few minutes ago, in discussing the gentleman from Colorado's (Mr. HEFLEY) amendment, said that these accounts were underfunded, that the President had not replenished them to the extent necessary, and I am giving the gentleman an opportunity to in fact replenish these funds.

Any appropriations is a priority-setting document. That has been stated

over and over again, and it is certainly the truth. So I am simply asking people on the floor of the House and this body to establish a priority here. What is more important? Is it, in fact, the preservation of our forests? Is it to try to mitigate against the catastrophic fires that we have been experiencing and that we will continue to experience because of the overloaded conditions in the forests? Is that more important than purchasing $50 million worth of art?

The gentleman and I both know I think it is patently clear that, regardless of whether or not the Federal Government ever bought a piece of art or funded a particular artist, art would thrive in America. People would paint. People would do everything that they have been doing, regardless of whether or not the Federal Government chose to participate in that particular endeavor. So, again, I am just asking that the House establish a priority here. What is more important? Our forests or somebody's opinion of what is art and how everyone's constituents should be taxed to support it? I mean, that is really the question we are facing here.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BLUMENAUER:

Add at the end, before the short title, the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California that permits the growing of row crops or alfalfa.

Mr. BLUMENAUER. Mr. Chairman, it has been over a year since we last considered this amendment. In that period of time we have come right back to an era of water shortage. Actually, we had a little rain, but the controversy continues.

Last year, after the amendment was voted on, we saw an unprecedented 33,000 fish killed by what many claim was a direct result of a lack of water. Whether my colleagues think that was entirely the case or not, virtually any common-sense appraisal would understand that the water shortage did, in fact, contribute to the problem.

We are in a situation, Mr. Chairman, where we have an elaborate system of plumbing in the Klamath Basin that basically we have a problem where there is not enough water. I have had people from the Basin calling our office expressing appreciation for raising these issues.

Because the fundamental problem is not fish. It is not problems with the native Americans, the sportsmen or waterfowl, and it is certainly not the problem with the farmer. It is that the Federal Government has promised more than this elaborately plumed basin in the middle of a desert can deliver. We have overcommitted tens of billions of gallons, and we will continue to have all these problems. We will continue to see fish dying, wildlife habitat destroyed, the demise of recreational commercial fishing activities, and we are going to continue to see farmers in the Basin pinched.

The Federal Government right now, today, can make a small but significant improvement by reducing millions of gallons of peak summer demand.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto to be limited to 30 minutes to be divided as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking member.

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

There was no objection.

The CHAIRMAN. So the gentleman from Oregon (Mr. BLUMENAUER) is clear, his 10 minutes starts from now.

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

I am happy to accommodate the recommendation of the chairman of the subcommittee. My point, Mr. Chairman, was that the Federal Government right now, today, can make a small but significant improvement by reducing millions of gallons of peak summer demand.

Teddy Roosevelt helped designate one of these wildlife refuges as the first waterfowl refuge in 1908. We continue to lease water within these refuges for intensive agricultural uses. The amendment today would be an important step to stop making the problem worse. If the amendment were approved, we would be limiting the leases that expired this year, which are approximately 2,000 out of 20,000 acres.

Number one, the basin limitation is what we do virtually everywhere else on wildlife refuges where there are few refuges where farming is allowed but there are controls. If there is truly an agricultural or economic imperative for some of the water-intensive crops, there is private land that is available in the region where people can pay market rate leases rather than having the ground cut out from underneath these private property owners by the Federal Government. It will be market rate, profits go to the local economy, and the Federal Government will not be wasting water on its land.

Mr. Chairman, it is important that we send a signal today to lead by example. By pretending that water does not matter, that the interests of the Federal Government are supreme, that we can undercut the private market even if it is not good for wildlife, not good for endangered species, not good for other agricultural commitments or those to our native Americans—this is an easy, simple, direct environmental vote, and it is also a reaffirmation of our responsibilities as stewards of the land to start making the Federal Government part of the solution rather than continuing to be part of the problem.

One of my major goals as a Member of Congress is that the Federal Government be a better partner in promoting livable communities, and the simplest way to do that does not require new rules, regulations, laws, or taxes but simply for the Federal Government to behave the same way we want the rest of the country to behave.

I think, Mr. Chairman, that here in the Klamath Basin, where we are encouraging farmers to cut back because of their continuing water crisis, the Federal Government is prepared to extend leases on land that we owned for water-intensive agriculture. That is not just foolish and hypocritical. It is why we continue to have a problem in the Klamath Basin. It is always someone else's fault.

By adopting the amendment that I am introducing with the gentleman from California (Mr. THOMPSON) and the gentleman from Connecticut (Mr. SHAYS), we will stop being hypocritical. We will lead by example, stop competing with private farmers who have land to lease, and we will stop pretending that steps that would save hundreds of millions of gallons and ultimately billions of gallons during the worst time of the year are inconsequential or worth nothing.

It would be a tragedy if Congress did not accept this common-sense approach that would be better for farmers, better for wildlife, better for the environmental community and, most important, will start us down the road of recovery rather than wallowing in denial, acrimony, and recrimination.

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

□ 1200

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 15 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. The Lower Klamath and Tule Lake National Wildlife refuges were established with the expressed intent that agriculture uses of certain lands within the refuge should be continued. Under the law, not more than 25 percent of the total leased lands may be planted in row crops. The agricultural activities must be consistent with proper waterfowl management.

Now, we should step back and allow the process to work. The amendment can only serve to further complicate a very complex and touchy situation. I urge my colleagues to join me in voting ''no'' on this amendment.

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

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

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

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time and the gentleman from Oregon (Mr. BLUMENAUER) for bringing forward this amendment.

I rise in support of this amendment, and I want to emphasize that this amendment is not anti-agriculture. This amendment is pro-water conservation.

The water situation in the Klamath Basin is in bad straits. We are oversubscribed in the Klamath Basin and, as a result, last year some 38,000 salmon, adult-spawning salmon in the lower Klamath Basin, were killed because of the oversubscription, the drought, and the extreme water problems that impact the entire Klamath Basin. This amendment will provide more water for fish without harming agriculture.

The Klamath Basin water problems are not insurmountable. We can fix them. But it is going to require that all parties take a seat at the table and show a willingness to work towards a solution. I would encourage all, those who are opposed to this and those who are in support of it, to come together, finally come together, join forces and attempt to fix this problem. I think this amendment is a step in that direction. It frees up a lot of water that can be used to mitigate the environmental problem that led to the death of some 38,000 fish, the largest fish kill in the history of this country.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5½ minutes to the gentleman from Oregon (Mr. WALDEN).

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Chairman, let me address this issue of the fish kill last year, because the science is really in dispute. Dave Vogel says, In 1988, and he is a scientist who has studied this carefully, a run totaling 215,322 salmon occurred on the Klamath River with identical flow conditions: 2,130 cfs in 1988; 2,129 cfs in 2002, but no fish die-off occurred. In 2002, there were 132,000 salmon and 33,000 died.

But why? Two dramatic and uncharacteristic cooling and warming trends occurred during late August and September where the Upper Klamath River was still naturally unsuitably warm that probably both attracted fish into the lower river and then exposed the fish to chronically and cumulatively stressful conditions.

The point being, in 1988 we had nearly double the number of salmon coming back, there was no fish kill, and we had the same amount of water as in 2002 where we had about half the run coming back and we did lose fish. None of us wants to see a fish kill. We are all trying to work together; and I would welcome the opportunity to work with my colleague, the gentleman from California (Mr. THOMPSON), to find a global solution. But this is not it. This is not the solution.

I have to raise an issue that was raised on this floor last night by my colleague and friend, the gentleman from Oregon, when he told the House that he would offer an amendment today, and I quote from his words last night: ''That would reduce water-intensive agriculture in one of the wildlife refuges in the United States where there is unregulated agriculture practicing on leased land dealing with the Klamath Basin.''

I would suggest that that was a misstatement. It is a misstatement because, first of all, these lands are governed by the Kuchel Act passed in 1964 that says: ''Such lands shall be administered by the Secretary of the Interior for the purpose of major waterfowl management, but with full consideration to optimum agricultural use that is consistent therein.''

The leases, and I have a copy here of the draft leases, these are what the farmers have to agree to. And it includes information relating to the previous year's operations which include a report of planting date, cultivar variety, seed and seed piece treatment, crop yield, and units of tons by acre, and harvest date; on and on, including what pesticides are used, irrigation, tillage, burning, fertilizers on each crop. This is regulated, I would suggest, more than the Chinese regulate their agriculture.

Finally, these farmers work very hard to reduce pesticide use, and every year they are evaluated and they enter into probably the most progressive activity when it comes to limiting and reducing pesticide use that we have, and that is the integrated pest management concept. Time and again, they have entered into these agreements; and time and again, the U.S. Fish and Wildlife Service and even the courts have found that these lands are being used in a compatible way.

Now, it is important to understand as well that even if we could find the water that was freed up by limiting crop restrictions on these 2,250 acres, it would not go to the refuges. It would go to other uses having higher priority, which could include private farmland. The U.S. Fish and Wildlife Service realized this in their determination made in 2002. Environmental groups sued on that determination and were unsuccessful.

The U.S. Fish and Wildlife Service also found that based on a USGS study that if you did not irrigate, I mean if you took irrigation completely off of these leased lands, at all, only a minor amount of water would be freed up because there would be a substantial consumptive use of water by the weeds.

Now, their amendment basically tells farmers in my district, and 62 percent of my folks have these leases, that they cannot grow onions, potatoes or alfalfa. They can only grow grain crops. And somehow, that is going to solve the problem or a part of the problem.

What my colleagues may not understand is that onions use 1.88 acre feet of water per acre. Potatoes, the villain from last year, consume 1.73 acre feet of water per acre. The very grain crops that you want them to only be able to grow consume 1.87 acre feet of water per acre, more than the potatoes use, equal to what the onions grow. Now, sure, maybe alfalfa consumes more water. But do my colleagues know what? If we just turned this over to wetlands, wetlands themselves consume 2½ to 3½ times the amount of water that potatoes and onions consume. So if you turned this over to the noxious weeds, they will drink up more than these farmers will.

Finally, these people have been devastated economically down there as farmers, and they have done enormous work to try and solve this problem. We spent $16 million putting in a new sophisticated fish screen in the canal that now routes nearly a million sucker larva down to three-eighths of an inch back into the river or into the lake. That would have languished forever. We got it done.

In conclusion, we are making efforts through the EQIP money that my colleague from Oregon voted against when he voted against the farm bill to do water reduction efforts to have more efficient irrigation systems. That farm bill, too, which the gentleman voted against, included the study, the 1-year study for removal of Chiloquin Dam, which has now been completed which we restored access to 95 percent of the habitat for suckers on the Sprague River. It was a principal blockage and reason why the suckers were limited in the first place.

My point is, we are taking action to try and solve the problem. This does not help.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMPSON) to respond to the gentleman from Oregon (Mr. WALDEN).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from Washington for yielding me this time.

I just want to make a couple of observations, and this has come from someone who voted for the farm bill and someone who actually farms. Again, this is not an antifarming amendment; it is a pro-water conservation amendment. That is what is needed in the Klamath Basin.

I just want to raise the issue that the low flows that we were talking about, this last year when 38,000 adult-spawning salmon were killed, this was the lowest water flows ever recorded since they have been recording the flows out of Irongate, the lowest flows ever during the migration period of the salmon.

The other thing I want to mention is that we can argue science all day, but there is one thing that is not arguable, and that is, fish need water. This is a good amendment. It is not antiagriculture. It does not have anything at all to do with the farm bill. There is nothing in it about chemicals or chemicals used in agriculture. This is water conservation. It will save fish. It will help farmers on both ends of the Klamath Basin. I ask for my colleagues' ''aye'' vote.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, so this amendment seeks to save the wildlife refuges of the Klamath Basin. From what, Mr. Chairman? Farming in the refuge of the Klamath Basin has occurred since they were created nearly 100 years ago. Today it continues to represent a shining example of how agriculture and wildlife cannot only coexist, but thrive together.

And as if the farmers I represent in this area of Northern California have not suffered enough, it would cause them even more economic harm. And not unlike the disastrous decision that shut off 100 percent of their water just 2 short years ago, there is absolutely no valid justification or factual basis for it.

Row crops are an essential part of the balance that embodies the lease land farm program. They are specifically required under the law, because they benefit wildlife and maximize revenues for farmers in local counties. On average, row crops have generated $10 million annually. If those same acres were planted only in grain, as this amendment would require, they would generate only $1 million. Make no mistake: that $9 million loss would cripple this economy.

The irony, Mr. Chairman, is that despite the gentleman's desire to help wildlife, this measure would do precisely the opposite. For generations, farmers have worked and nurtured these lands for the benefit of the wildlife. Waterfowl populations in particular are thriving. Consider this statement from the California Waterfowl Association: ''For nearly 100 years, farmers and ranchers in the Klamath Basin have coexisted with immense populations of wildlife. Many wildlife species, especially waterfowl, are familiar visitors to their highly productive farms and ranches. Klamath Basin agriculture provides a veritable nursery for wildlife.''

Row crops are not just an economic necessity to farmers; they provide food for migrating birds. Crop rotation improves the health of soil and, therefore, the productivity of the cereal grains that provide other essential wildlife benefits.

Allow me to address the notion that this measure would somehow provide more water to the refuges. That is simply inaccurate. For 100 years, all interests in the Klamath Basin, farmers, fish, and refuges, have gotten by together, sharing the pain and the profit alike. It was not until 2001 that the Endangered Species Act caused some interests to do without. Shortages are not the result of an overallocation; they are the result of environmental laws that do not allow for balance.

Mr. Chairman, the lease land program is a win-win. It benefits the environment. The Fish and Wildlife Service have found that it is entirely compatible with refuge management, and a Federal district court has agreed. So what is the problem, Mr. Chairman? Why the persistent attacks on farmers when these facts are so clear?

The purpose of the radical environmental groups supporting it is the removal of agriculture entirely. Consider that virtually the same groups behind today's amendment pursued a version several years ago to eliminate any new leases, and the same kinds of radical environmental groups have unsuccessfully attacked the program again and again in the courts.

Mr. Chairman, I urge my colleagues to look at the facts and consider the lives and the families of those who will be directly impacted should this amendment succeed. Reject this veiled attempt to undermine agriculture.

□ 1215

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DOOLITTLE.

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

Mr. DOOLITTLE. Mr. Chairman, this Klamath Basin is represented by three Members, the gentleman from Oregon (Mr. WALDEN), the gentleman from California (Mr. HERGER), and myself from California. It has today about 50,000 people in it. It is one of the earliest reclamation projects in the United Nations. The Reclamation Act was passed in 1902, and this was authorized by the Secretary of the Interior in that same year.

You will see here the cover of Life Magazine, January 20, 1947. By the way, it was 15 cents in those days. They have a homesteading veteran portrayed on the cover with his wife and family. People were attracted to this area by government policy to settle the area. It was a good area for farming, and it would be a benefit to the wildlife because of the refuges that existed there.

I want to show you now a picture in 2001 of a real family that lives there, tries to farm there today under the very difficult circumstances imposed by the government. This is lease land farmer Rob Crawford and his family. You can see it does not look very inviting because that is what happens when you cut the water off. It is basically a desert.

These people in our districts have suffered terribly at the hands of the government and misguided people who think they are trying to bring about a good policy. But they are not bringing about a good policy. This amendment is an anti-farming amendment. I do not care what the sponsors say. That is its effect. The wording of this amendment basically bars the alfalfa and the potatoes and the onions. Those are higher value crops. These are the crops that feed this family. But did you know that they are the crops that the wildlife feed on? The geese actually eats the potatoes after the first frost, the antelope come through for the alfalfa and the geese back again in the spring. So this is of great benefit. The law recognizes this benefit, and the whole system was set up so that this could occur.

The proponents claim that their amendment will save water. It will save no water. The crops that they will restrict us to growing, which are lower-value crops and will throw people onto welfare, there will be no less water required to grow those crops than required to grow the higher-value crops that this amendment would prohibit. This is an anti-farming amendment.

If you set the precedent today that we as the Congress will going to dictate what crops a farmer can grow, watch out the rest of you, because today it is in a small part of remote northern California and southern Oregon but tomorrow it will be all over the country as these people with their agendas come after you and your families and your way of life. Vote no on this amendment.

Mr. BLUMENAUER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) has 6 minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 1 minute remaining. The gentleman from Washington (Mr. DICKS) has 2½ minutes remaining).

Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I did not come to the floor to speak on this amendment, but after hearing the debate I must rise. Because this is not a debate about farming versus the environment. This is a debate about economics versus economics. It is about coastal economics, where the majority of the population of the people in California live, versus interior economics. It is an issue that cries outs for a solution to both parties.

There is not a win-win here. Without this amendment, you have a win-lose.

You have the entire tourism industry which is dependent on where this stream comes into the ocean which is dependent on that fish coming into the stream. There is an economic survival, both in the tourism and the fisherman there versus the farmers.

Alfalfa is one of the most water-intensive crops that we grow in the United States. Certainly the farmers through best management practices can do with less water. We do that in our area all the time. We are always struggling to have it.

What this problem cries out for is a solution for a win-win. In order to do that, somebody has to give up something.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair was incorrect earlier. The gentleman from North Carolina (Mr. TAYLOR) has 2 minutes remaining.

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

Mr. Chairman, I agree with the gentleman from California (Mr. FARR) on this amendment, that this really does cry out for compromise.

We have had some of the most bitter environmental battles in the Pacific Northwest over the spotted owl, the marbled murrelet, salmon, and in most of these instances we have been able to sit down and work out a compromise on these important issues.

What happened last year, and there may be a multitude of reasons, the death of these fish, I think, caused a tremendous impact not only in the Northwest but across the country; and we have a scientific study that will look into and give us the reasons for the loss of this fish. But the gentleman from Oregon's (Mr. BLUMENAUER) amendment I think is an attempt to try and deal with the basic underlying issue, that is, the allocation of water.

We have the same problems in the State of Washington. We have to work out agreements between farmers and fishermen. And we work on these things, and it is not easy to accomplish. But the last thing we need to do is to end the dialogue.

I heard my friends, the gentleman from Oregon (Mr. WALDEN) and the gentleman from California (Mr. FARR), say they were prepared to enter into a dialogue. I think there ought to be a dialogue with the Members and the agencies. But the one thing you have to do with situations like this is to rely on science. This cannot be done on emotion. We just heard a very emotional appeal. This has to be done on good science.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I fully concur with the gentleman about basing this on science. In fact, when we had the National Academy of Sciences review the biological opinions that set up the water cut-off in 2001, the initial findings came back and said the decisions by the government were not backed up by science, and we are waiting for the final review now.

This bill is a rifle shot at a very tiny piece of a huge problem. And as I mentioned in my comments, fixing the fish screen on the A canal, dealing with fish passage at Chiloquin, which will probably result in removal of that dam which I will support if that is what the consensus is, those are the things we can deal with.

Mr. DICKS. Was water temperature here an issue?

Mr. WALDEN of Oregon. Ambient temperature as much as water temperature are both issues. I will be happy to discuss this further with the gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

The gentleman raised a point that we stated in the beginning. I oppose this amendment because it will disrupt the very technical amendment that has been worked out.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me time and his opposition to this amendment. As the chairman of the Committee on Agriculture, I want to rise in strong opposition to this amendment as well.

I would say to the gentleman from Washington (Mr. DICKS) that compromise is certainly needed and sound science is certainly needed, but the sound science has not been put forward today, and this is not the place to be doing it. This is barely inside not being struck for being authorized on an appropriations bill, because all you are doing is limiting expenditures for specific crops.

I would say that this is exactly the wrong place, and the gentleman from Oregon (Mr. BLUMENAUER) ought to withdraw his amendment and work with the appropriate authorizing committees that are involved and interested in this as well as with the gentleman from North Carolina (Chairman TAYLOR) to come up with a solution that works and not try to not compromise, which is exactly what you are doing here.

You are trying to stuff this issue down the throats of the citizens of Eastern Oregon, and I would strongly oppose the amendment. The amendment would sacrifice farming families in the Klamath Basin by restricting the acres planted and restricting the options of families farming under the false premise of providing water for wildlife. You cannot replace some of the crops that you want to replace them with the crops that are being planted now because they are not as profitable. The farmers cannot make a living by having the government dictate to them what they should be doing. This is the wrong place with the wrong solution.

In reality, the Blumenauer amendment would provide less food and water for the millions of waterfowl that use the Klamath National Wildlife Complex in California and Oregon each year.

Congress itself has recognized the dual benefits of the leased lands, and I urge my colleagues to oppose this amendment.

Mr. BLUMENAUER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is the only Member with time remaining, and he has 5 minutes.

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

Mr. Chairman, first two factual observations:

One, the distinguished chairman of the Committee on Agriculture suggested that we were going to be flinging these farmers off the 2,000 acres that are leased and denying them a way to earn a living. There are people in the Basin who are trying to lease their own private land right now. I have heard from them. In fact, they were in the gentleman from California's (Mr. HERGER) office yesterday. They have land to lease, but they are undercut in their efforts to lease their land because the Federal Government is leasing land at below-market rates.

Now if there is a dramatic demand to grow water-intensive crops, there are private lands that are available to be leased. Nobody has made the argument that there is not. I have heard from farmers down there who have land ready to lease and wonder why we are competing with them.

Second, several of my colleagues have said you are not saving any water because some of the things that you would permit to grow, if this amendment were enacted, actually consume more water. But what my friends did not tell you and, in fact, again, I had a farmer from the Basin yesterday in my office explaining why it is a savings of water, because they can take the water in the winter, charge the ground, do winter irrigation and the water is available for these serial crops in the summer. They do not have to irrigate during the summer when we do not have the water available.

So it is a net gain because it takes the water when it is plentiful, put into the ground, store it up for the summer. It helps recharge the groundwater, and it uses less water when the fish need it, when the Native Americans need it, when it is needed for recreation activities that are far more valuable than just the agricultural interests alone.

I agree with the gentleman from California (Mr. DOOLITTLE) that the Federal Government is the culprit. Absolutely. We have promised more water to the Native Americans, to the farmers, to the needs of endangered species

and wildlife, and it is time to stop pretending that we can blame it on somebody else.

I have watched people play politics in the basin. I have watched the sad spectacle when law enforcement officials said they could not enforce the law. And people play to inflame the attitudes and emotions. I think that is wrong. I think that is sad.

The problem in the basin is that the Federal Government has committed more than nature can produce, and for us to stop the nonsense of assuming that we can just be business as usual is the first step.

I commend my friend, the gentleman from Oregon (Mr. WALDEN) who has been working on this for years. I commend many of the issues that he wants to move forward in terms of dam removal and fish screens. I will support him. I will support major Federal investment to buy out willing sellers to reduce the water demand. Because unless and until we come face to face with the fact that we have promised more than we can deliver, we will be in this mess year after year after year.

This amendment will not throw any farmers off the land. In fact, the farmers in the district of the gentleman from Oregon (Mr. WALDEN) in the wildlife refuge do not irrigate. It will not affect the farmers in his district in the wildlife refuge. I wanted to make the point that it is not going to affect the farmers in the wildlife refuge in his district. The farmers that are in the Tule Lake area can go ahead. They can lease land if they want. But for the land that the Federal Government provides, it is time for us to face reality, limit the use away from water-intensive agriculture.

□ 1230

This is not trying to play the blame game. It is for the Federal Government to lead by example and stop leasing lands for water-intensive agriculture, allow the water to be used at a time when it is most plentiful. They can continue like they have in the other part of the refuge.

I strongly urge my colleagues to vote on a path towards a more sustainable future in the basin, cooperate where we can, but do not make it any worse by continuing to lease land in the refuge for water-intensive agriculture.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment proposes that the House of Representatives arbitrarily declare what crops a farmer can and cannot grow.

I am concerned that this amendment is being sponsored by those who do not represent the areas affected—members who are from urban areas.

This amendment is opposed by those who represent the communities that will be affected, those people who are closest to the land, and those who care the most for the land because it is where they live and where they raise their children.

This amendment is targeted at the Klamath Basin—an area that has seen its farmers and entire economy devastated by actions taken by the federal government. I have traveled to the Klamath Basin and seen the effects firsthand.

I also represent two very large reclamation projects—including one of the largest in the country—and the success of these farmers comes from their hard work, the care they give the land and diversity of their crops.

Passage of this amendment would set a very bad precedent of the government stating what crops can be grown and which can't. The impacts of the amendment would directly harm farmers and communities. The precedent it is sets would be far-reaching and very detrimental.

I urge my colleagues to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) will be postponed.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HERGER) 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. 2691) making appropriations for the Department of the Interior 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. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2691 in the Committee of the Whole pursuant to House Resolution 319, no further amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and, the amendments printed in the CONGRESSIONAL RECORD and numbered 6, 15 and 16, each of which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD and numbered 4 and 12, each of which shall be debatable for 20 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 1, which shall be debatable for 30 minutes to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member;

A substitute amendment by the gentleman from Utah (Mr. MATHESON) to the amendment numbered 1, which shall be debatable for 20 minutes;

An amendment by the gentleman from North Carolina (Mr. TAYLOR) to the amendment numbered 1, which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD and numbered 2 and 9, each of which shall be debatable for 50 minutes to be allocated as follows: 15 minutes to the proponent, 25 minutes to the chairman of the Committee on Appropriations, and 10 minutes to the ranking minority member;

An amendment by the gentleman from California (Mr. GALLEGLY) regarding bear feeding, which shall be debatable for 10 minutes;

An amendment by the gentleman from Washington (Mr. INSLEE) regarding Forest Service regulations on roadless areas, which shall be debatable for 50 minutes; and

An amendment by the gentleman from Arizona (Mr. SHADEGG) regarding Forest Service land acquisition, which shall be debatable for 10 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, except as specified, 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 for the time specified, and time on each amendment shall be equally divided and controlled by the proponent and an opponent, except as specified.

All points of order against each amendment shall be considered as reserved pending completion of debate thereon, and each amendment may be withdrawn by its proponent after debate thereon.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply like to note a few facts.

This is a bill that I happen to oppose, and yet we are trying to work with the majority to speed up consideration of the bill because we think it would suit everyone's interests if the bill is completed around eight o'clock tonight rather than eight o'clock tomorrow morning.

I would also like to point out that at the request of the majority, we in the minority withheld amendments during the consideration of every appropriations bill so far at the subcommittee level except for one. We have also agreed to consideration of two bills, even though the GPO did not provide copies of the legislation as late as last Friday.

The military construction bill was completed in 1 hour, with procedural cooperation from both sides. The Department of Defense bill was completed in a similar length of time; and in the process, the minority also cooperated in bypassing the need to have a rule.

Three of the six bills that have been brought up so far have been brought up by unanimous consent, thereby saving everyone time in terms of the need to go to the Committee on Rules. Those unanimous consent agreements limited amendments and limited time for consideration of those amendments. So I think it is fair to say that we have helped the majority greatly run the trains on time, even if we have on occasion disagreed with the contents in the boxcars.

I simply wanted to take the time to point those facts out because of some of the comments that I have heard the last 3 days from some Members of the majority about the ''lack of cooperation'' from the minority. I think there has been extraordinary cooperation, even though we have differed with the number of bills; and even though, for instance, on the labor-health bill last week we voted unanimously in opposition to it, we still cooperated in accommodating the majority in terms of schedule.

So I simply want to take note of that. I am glad we have finally gotten to this UC. I do not have any objection to it; but Mr. Speaker, I wanted to make clear and put in the record what the facts have been with respect to cooperation between the two parties on these procedural matters.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to thank the ranking member for his cooperation and also the ranking member of the subcommittee for the cooperation he has shown in drafting this bill and on the floor of debate.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 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. 2691.

□ 1239

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. 2691) making appropriations for the Department of the Interior 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, a request for a recorded vote on amendment No. 14 by the gentleman from Oregon (Mr. BLUMENAUER) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and the amendments printed in the CONGRESSIONAL RECORD and numbered 6, 15 and 16, each of which will be debatable for 10 minutes

The amendments printed in the CONGRESSIONAL RECORD numbered 4 and 12, each of which shall be debatable for 20 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 1, which shall be debatable for 30 minutes to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member;

A substitute amendment by the gentleman from Utah (Mr. MATHESON) to the amendment numbered 1, which shall be debatable for 20 minutes;

An amendment by the gentleman from North Carolina (Mr. TAYLOR) to the amendment numbered 1, which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD numbered 2 and 9, each of which will be debatable for 50 minutes to be allocated as follows: 15 minutes to the proponent, 25 minutes to the chairman of the Committee on Appropriations, and 10 minutes to the ranking minority member;

An amendment by the gentleman from California (Mr. GALLEGLY) regarding bear feeding, which shall be debatable for 10 minutes;

An amendment by the gentleman from Washington (Mr. INSLEE) regarding Forest Service regulations on roadless areas, which shall be debatable for 50 minutes; and

An amendment by the gentleman from Arizona (Mr. SHADEGG) regarding Forest Service land acquisition, which shall be debatable for 10 minutes.

Each 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, except as specified, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for the time specified, and time on each amendment shall be equally divided and controlled by the proponent and an opponent, except as specified.

All points of order against each amendment shall be consider as reserved pending completion of debate, and each amendment may be withdrawn by its proponent after debate.

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. 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. SHADEGG:

Add at the end (before the short title) the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available in title II for ''DEPARTMENT OF AGRICULTURE-LAND ACQUISITION'', and increasing the amount made available for ''DEPARTMENT OF AGRICULTURE-WILDLAND FIRE MANAGEMENT'', which increase shall be available for hazardous fuels reduction activities, by $19,000,000.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes in support of his amendment, and an opponent will be recognized for 5 minutes as well.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

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

Mr. Chairman, I want to begin by commending the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Interior Committee on Appropriations, for his superb work in increasing funding for Forest Service wildland fire management by $82 million more than the budget request and for his advocacy for the use of those funds for hazardous fuels reduction. I also want to commend him for reducing at this point in time funding for Forest Service land acquisition. He has done an excellent job, and I commend him for the product he has produced.

I want to carry that one step further, and I want to carry it one step further because we face a crisis in this Nation. America's forests are burning to the ground, and they are burning to the ground because they are occupied by excessive vegetation. They are, according to every knowledgeable expert in the country, grossly overgrown, too dense; and that is leading to a condition not only of wildfires but of disease that is destroying those forests.

In my State of Arizona, we are losing 800,000 acres of land to disease because of this overgrown condition.

My amendment is simple and straightforward. It takes $19 million from the Department of Agriculture Lands Acquisition Fund, and it transfers that $19 million to the Department of Agriculture Wildland Fire Management Fund, and it makes that money available for hazardous fuels reduction activities, that $19 million dollar.

Mr. Chairman, we are in dire straits. A report by the GAO in 1999 predicted that we have 39 million acres at high risk. Last year alone, 6.9 million acres of those forests burned to the ground at a firefighting cost of $1.6 billion. The experts tell us that the 10-year average

of forests burned to the ground is 4.2 million acres per year.

Dr. Wally Covington of Northern Arizona University has predicted that if we do not do something to treat these forests, an additional 5 to 10 million acres will burn every single year. This condition cannot continue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I reluctantly rise to oppose the gentleman's amendment. I know he has been a leader in trying to provide funds in this project, and I would say that he has been successful in many ways.

The decision was made to make sure sufficient funds were made available for forest health and backlog maintenance. At the same time, limited land acquisition funds are available for the most critical inholdings and to manage the projects that are currently underway.

□ 1245

We provided $20 million above the President's request, and we hope to continue to work in this basic area of forest health and backlog maintenance.

So I must oppose the gentleman's amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, let me say, first of all, that I have great respect for the gentleman who offered this amendment. I know he is dedicated on the issue of firefighting.

As the chairman mentioned, however, we have added a significant amount of money and there will be a supplemental on the floor next week of $289 million for fire as well. And I just think that we have taken this land acquisition part of the Forest Service budget down from $132 million to about $29 million, and this would be another $19 million. You could not even run a program out of this. And if they need the money, they probably could borrow it anyway.

So I would argue that this is not an appropriate offset. I would urge the gentleman to consider adding this to the supplemental. If he wants to add additional money to the supplemental to reimburse the government for the money it borrowed from a lot of these accounts, the supplemental is coming up next week. This should be emergency. If the gentleman was offering it as an emergency measure, not taking an offset out of land acquisition, I could support it; but I cannot support the amendment as it is currently drafted.

Mr. Chairman, I hope these suggestions are beneficial.

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

I appreciate the supportive remarks of my colleagues on the opposite side of this issue. I simply believe this is critical. The issue I raised a year ago was additional funds for firefighting. The issue I am raising, however, this year has to do with hazardous fuels reduction. I believe that this committee has done a superb job in fighting to get the funds to fight fires, but we must reduce the fuel load in our forests.

In Arizona alone, the Rodeo Chedeski fire last year consumed 469,000 acres. This year's Aspen fire has already consumed 80,000 acres. In my State alone, this year, we have lost 140,000 acres. And in the Nation we have lost 1 million acres. I am not fighting for funds to fight fires. I agree with the gentleman and will support efforts for funding to fight fires. I am talking about fuels reduction.

We have millions of acres, tens of millions of acres of overgrown forests in this country due to mistaken policies of the past. We need to thin those forests, to treat those forests. The Governor of Arizona has asked for emergency funding to treat the forests in Arizona. She says the urgent need is $116 million. The need to treat all of the forests in just my State of Arizona is $700 million. There are 32 large fires burning in the West as we speak. Seven of those fires are burning in the State of Arizona, and over 20,000 acres in my State are burning as we debate this issue right now.

The issue is not fighting fires. I already referred to the $1.6 billion we spent last year to fight fires. We do not have enough money to fight all these fires. We must treat these forests so that we do not have the fires to fight. And the only way we can treat these forests is to move dollars into the fund that allows the treatment of forests, and that is the fund I have sought to move them into. We must have hazardous fuels reduction. This is a mere $19 million, but it will help in the effort.

And with those who are concerned about land acquisition, I want to make it very clear that we have left a substantial amount of money, millions of dollars, in the land acquisition fund, because I understand there are important land acquisitions and inholdings, as the chairman talked about. I intentionally did not gut that fund or leave it empty. We did, however, say that we must recognize the catastrophe that our Nation faces. If we do not reduce the fuel load in these forests, if we do not make it so these fires do not burn so intensely, and if we do not treat them, and there is a debate over whether we should treat just the wildland urban interface or the inner part of the forest itself, that debate is beyond the issue of my amendment, my amendment says we have a crying need across America.

I would suggests that the statistics tell us that with 39 million acres at high-risk, and burning 6.9 million acres per year, as we did last year, in 5 years there will be no forests left to debate. Those 39 million acres will be gone. It seems to me that this is a modest effort to look at the critical need of treating hazardous fuels reduction in our forests. I urge my colleagues to support this amendment.

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

The CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHADEGG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) will be postponed.

AMENDMENT OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. 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. GALLEGLY:

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 by the Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

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

Mr. Chairman, I rise today to offer an amendment to the interior appropriations bill. My amendment prohibits the Bureau of Land Management and the Forest Service from using funding for the purposes of allowing bear baiting on Federal lands.

I think it is important to mention that my amendment does not increase funding in this appropriations bill. Baiting is an unpopular and increasingly discredited method of bear hunting. States that have banned bear baiting have not experienced any wildlife management problems stemming from the prohibitions. Actually, bear hunting participation has increased after States adopted baiting bans.

Baiting is a practice unpopular with Americans, including hunters, largely because it runs against the norm of fairness and sportsmanship and against the widely recognized wildlife management principle that it is dangerous to make human foods available to bears. Most people believe it is unfair, unsportsmanlike to lure a bear with food and then shoot the animal while he or she is gorging on food.

The four major land management agencies have endorsed the ''Leave No Trace'' public awareness campaign which warns that people should never feed wild animals. The campaign materials say feeding wildlife damages their health, alters natural behaviors, and exposes them to predators and other dangers. In this same publication, Federal agencies address waste disposal in the woods, saying: ''Pack out all trash and garbage, including leftover food.'' Specifically, the National Park Service and Fish and Wildlife Service ban baiting, and my amendment would ensure the same no-feeding standards apply to other Federal lands by precluding the use of funds to encourage the practice of baiting.

Allowing bear baiting is inconsistent with these declarations. It just makes no sense to think that providing food to bears is wrong except if feeding is associated with hunting. If it is wrong to set out food to lure bears for picture-taking or just to watch the bears, surely it is also wrong to lure bears with jelly donuts and rotting animal carcasses for the purpose of shooting them.

I ask my colleagues to support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. MORAN), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

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

Mr. POMEROY. Mr. Chairman, I claim the time in opposition, and I yield 1 minute to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I oppose the amendment. The question is a question of States' rights and management of wildlife populations. The States have broad responsibility and authority over resident fish and wildlife, including fish and wildlife found on Federal lands within a State. Congress has reaffirmed this authority through numerous acts.

States must be allowed to effectively manage resident wildlife populations. This is an authorizing issue and a States' rights issue and this provision does not belong in an interior appropriations bill. So I must urge defeat of this amendment.

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member on the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman of the Committee on Resources for yielding me this time.

The gentleman from New Jersey (Mr. HOLT) and I plan to offer an amendment soon dealing with an issue involving Yellowstone National Park. This morning, two Members who are in the majority are quoted as complaining in a newspaper report that we are being unfair because this matter should be debated in the Committee on Resources rather than as a rider to an appropriations bill.

I would note that we in the minority are forced to use this tactic. We are in the minority. The majority will not give our issue the time of day in the Committee on Resources. The Members making this allegation should know better. They are in the majority. They know that the Committee on Resources will not hear or consider our issues.

The situation is different with this particular amendment from the gentleman from California. He had every opportunity for the Committee on Resources to consider this matter. In fact, the bill was scheduled for committee consideration this past Tuesday. The chairman of the committee, the gentleman from California (Mr. POMBO), scheduled his bill; yet he came to the committee and had it withdrawn.

So I am going to vote against this amendment, and I am voting against it on the process that is being used. Perhaps then those two Members who took issue with my amendment and the amendment of the gentleman from New Jersey and the tactics that were used will recognize there is a difference. So we are being forced to offer amendments to an appropriations bill because we are not in the majority.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GALLEGLY) to respond to the last speaker's comments for the record here.

Mr. GALLEGLY. Mr. Chairman, in response to the comments of the gentleman from West Virginia (Mr. RAHALL) about the bill being withdrawn on Tuesday, basically we had 1-day notice, and there were several Members that wanted to be there and could not.

In fact, the chairman had, at the beginning of the markup, acknowledged that he was withdrawing several bills that day because Members were not present to vote for the bills. That one was not on his list of bills to be withdrawn that day.

And so I ask that that be added to for the record.

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

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, let me just say that I rise in strong opposition to this amendment. It has traditionally been the right of the States to determine what hunting methods can and should be used for wildlife management purposes.

New Jersey is in a unique position, being the most densely populated State in the country and having a very fast-growing bear population at the same time. Our State is in dire need of this management tool. As a matter of fact, the Wall Street Journal reported this week, and I quote: ''The New Jersey Fish and Game Council voted to allow the State's first black bear hunt in 33 years. Officials will hand out 10,000 bear permits in hopes of making a dent in the bear population that has been ransacking garbage cans, breaking into houses, killing livestock and mauling residents.''

This is a very, very serious issue, Mr. Chairman. And for the rights of the residents of New Jersey and the nine States that currently allow bear baiting, this amendment goes too far in the wrong direction.

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I rise in strong opposition to this amendment. First of all, I do not believe the amendment has any practical effect. There are no funds currently expended by the Forest Service or Bureau of Land Management in regards to the bear baiting that is going on, but there is a larger issue at stake.

This amendment would overturn over 200 years of Federal precedents of deferring to State agencies, State wildlife experts, and the people of the States in the management of their own wildlife herds. Nine States choose to allow bear baiting because it is the most effective and humane manner of managing bear populations where it is very difficult to go in and hunt them anyway.

We have had cases in northern Wisconsin where bears are walking into towns, walking into public school yards because their population is exploding. If you take this management tool away from States like Wisconsin, like Michigan, like Minnesota, we fear there is going to be an explosion of the bear population and an unnecessary risk to children's lives and other people's lives.

□ 1300

Mr. Chairman, I think we should stay true to historical precedent. The Federal agencies have deferred to the States on this issue. That is how it has been for 200-plus years. That is how it should remain. I encourage my colleagues to oppose this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentleman who preceded me talked about the threats to the population if we do not have this practice. It has not happened in my State. We banned this practice.

Real sportsmen do not bait bears. In Oregon, what has happened is actually three times as many people have bought hunting licenses to hunt bears. So, actually, the bear harvest, if Members want to call it that, is up in Oregon because real hunters are out there, not the guys sitting around waiting for the bears to come and feast on what they are being baited with.

Mr. MORAN of Virginia. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2 minutes; the gentleman from California (Mr. POMBO) has 1 minute.

Mr. POMBO. Mr. Chairman, I have one additional speaker, and I reserve the right to close.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, if that is the case, I reserve my right to close.

PARLIAMENTARY INQUIRIES

Mr. POMBO. Parliamentary inquiry, Mr. Chairman. Does not the Member defending the committee position have the right to close?

The CHAIRMAN. The proponent of the amendment, the gentleman from California (Mr. GALLEGLY), yielded his time to the gentleman from Virginia (Mr. MORAN); and as the proponent of the amendment he has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, I reserve the right to close.

Mr. POMBO. Mr. Chairman, does the committee position have the right to close?

The CHAIRMAN. Under clause 3(c) of rule XVII, the gentleman from California (Mr. POMBO), not being a Member of the Committee on Appropriations, does not qualify as a member of the committee defending the committee position, so it is the proponent's right to close.

The proponent of the amendment has transferred the balance of his time to the gentleman from Virginia (Mr. MORAN).

Mr. POMBO. Parliamentary inquiry, Mr. Chairman. If I yield the balance of my time to the chairman of the Subcommittee on Interior and Related Agencies, do we have the right to close?

The CHAIRMAN. That would not represent the requisite unbroken line of committee affiliation in opposition.

Mr. POMBO. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise to oppose this amendment, and I think it is maybe the right timing because the gentleman before me said real hunters do not bait bears.

I would like to say, in Minnesota, I was a sponsor of the bill that created a season and made the bear a big game animal. We are having trouble controlling the population in spite of the fact that we issued two permits last year to every hunter, and this year we did not sell all of the licenses. We have three times as many bears now as we did back when they were not protected.

In Minnesota, last year, we shot 2,915 bears; 2,900 were shot over bait. The only way a bear can be shot in the northern climates like Minnesota is over bait. There is no other way hunters are going to do that. If we pass this legislation, the bears are all in the Chippewa and Superior National Forests, we will eliminate the ability for us to control our population. Our DNR is very much opposed to this. It will take away the chance for us to manage this population, and it will cause all kinds of trouble with folks that live up in that area. The bears are starting to move out in the private areas. I very much oppose this amendment and hope it is defeated.

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

Mr. Chairman, I thank the gentleman from California (Mr. GALLEGLY) for his leadership on this issue.

This is a poster paid for by the U.S. Department of Agriculture Forest Service. This one happens to be distributed jointly with Arizona and New Mexico's Departments of Game and Fish. It says, ''Just Be Bear Aware,'' and the reason it says ''Don't feed bears'' is because most conflicts between humans and bears arise as a result of human-supplied food. It says, ''Remember, a fed bear is a dead bear.''

This is all about safety to the public. The reason why we do not want bears to be fed is that they become nuisances, they become a threat to property and particularly to people. That is Federal policy. All we are trying to do in this bill is to make sure that Federal policy is consistent, it is consistently in the public interest. There is no difference between bear baiting and bear feeding. That is what this amendment says.

The fact is that bait sites typically consist of pastries, junk food, the kinds of foods you typically find at camp sites and dumpsters. Once acclimated to those human foods, bears become aggressive in approaching campers, park visitors, and they migrate to those areas where those kinds of treats can be found. That is what leads to property damage, attacks on people, and the bears being shot as nuisance animals.

The gentleman from Minnesota (Mr. PETERSON) said they cannot continue hunting without bear baiting, but I cannot believe that the bears in Minnesota are that different from the bears in Oregon and Washington and the 41 other States which banned this practice.

Mr. HAYES. Mr. Chairman, I rise in strong opposition to this amendment. As a cochair of the Congressional Sportsmen's Caucus, I am here to strongly urge members to vote against this measure that seeks to ban bear baiting.

As it has been discussed during the Resources Committee hearing and during the committee markup on Tuesday, a ban on bear baiting would set an extremely dangerous precedent of the Federal Government preempting the authority of the States to manage wildlife.

The State fish and wildlife agencies have the authority and responsibility of managing wildife and have an excellent record in years past, especially in regards to bear management. This authority includes most Federal public lands with the exception of National Parks, and has been repeatedly affirmed by Congress in acts such as the National Forest Management Act, Federal Land Policy and Management Act, National Wildlife Refugee System Improvement Act and Sikes Act, to name a few.

Baiting has always and continues to be a method of controlling wildlife population levels beyond just bears. Currently, nine States—Alaska, Idaho, Maine, Michigan, Minnesota, New Hampshire, Utah, Wisconsin, and Wyoming—allow regulated baiting as a method of hunting bears and would be severely impacted by this legislation. If these State wildlife agencies feel that here baiting is not necessary to help regulate the population, they are much better equipped to make that decision than the Federal Government.

As a fellow sportsman and a strong believer in State's rights, I strongly encourage members to support the State wildlife agencies and their successful and positive roles they play in wildlife management. At no time in history has Congress selected an individual species for Federal management and there is absolutely no reason that it should start now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GALLEGLY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GALLEGLY) will be postponed.

AMENDMENT NO. 4 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. 4 offered by Mr. RAHALL:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to kill, or assist others in killing, any Bison in the Yellowstone National Park herd.

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will be recognized for 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.

Mr. Chairman, I have an amendment today to halt the slaughter of bison in Yellowstone National Park. The bison is a symbol of America. Like the monuments on our National Mall or the dome on this Capitol building, the bison is an American icon. These magnificent beasts are woven into the fabric of our culture, not to mention being sewn onto the fabric of every uniform worn by an employee of the Department of Interior.

After a century of wanton slaughter, we have a small herd in Yellowstone

National Park, the last remaining example of the purebred, free-roaming bison left in this country. Is it any wonder then that the American public looks on in horror at footage of employees of the United States Department of Interior participating in the slaughter of Yellowstone bison? The general public is under the impression that these animals are being sheltered and protected by the Federal Government, not rounded up and shot. But the numbers tell the awful story: This year alone, the Department of Interior participated in the slaughter of 244 Yellowstone bison. On average over the last decade, 250 of these wild animals have been shipped off to slaughter or shot on site every year. The obvious question is why? Why is the Department of Interior murdering its beloved mascot?

Should this picture be the new seal of the leading conservation agency in this country? Instead of a bison standing tall and proud on the seal of the Department of Interior, it is indeed dead, on its back, legs standing stiffly in the air.

The reason these bison are being slaughtered lies in the Department's decision to pander to a single State's deadly approach to wildlife management. During the harsh winter months, bison migrate out of Yellowstone National Park to lower elevations in a desperate attempt to avoid starving to death.

Once they leave the park, they can come into cattle grazing on public and private land; and some of the bison may carry a disease which can be dangerous to cows. But here is the critical point: The transfer of this disease from bison to cattle has never happened in the wild. Never happened. Yet one State and only one which borders Yellowstone insists that the only means to deal with a theoretical possibility that it might happen is to pursue an automatic death sentence for any bison that steps one hoof onto the invisible park boundary. Talk about using a sledgehammer to kill a flea. Under current policy, simply being a bison in Montana is a capital crime, punishable by death.

Perhaps most shocking of all is that most of the bison are not even tested, not even tested to see if they actually carry the disease before they are being sent to their deaths. The truth is, this State is caught in a time warp. Despite the fact that we have entered a new millennium, this particular State is still pursuing wildlife management policies that were popular in the 1800s. Moreover, this State has demanded and the Department of Interior has agreed to help this State implement its approach to wildlife management by helping them shoot bison. That must stop.

The National Park Service is one of the foremost conservation agencies in the world. It should not be required to kill the very wildlife they are sworn to protect. If adopted, this amendment will prohibit the use of any funds in this bill to kill or assist others in killing these magnificent animals. This is a very narrow amendment. If Montana wants to continue to slaughter bison as if they were still living in the old West, this amendment will not stop them. However, the Federal agencies funded in this bill, agencies with a conservation mandate, will not help them do their dirty work.

The Federal conservation agencies funded in this bill will continue working within the existing bison management plan to address the theoretical threat of disease through hazing and capture of bison, through development of a vaccine for both cattle and bison, and through the use of other tools. But the tools they use will no longer be lethal.

This is a very simple amendment. Members either support slaughtering Yellowstone bison or they do not. We know the American people do not support the slaughter of this icon of America, just as they would not support the slaughter of the bald eagle. There is no good reason for this killing, and I urge my colleagues to adopt this amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, none of us are comfortable with this issue, but let me provide Members with some facts.

A record of decision was signed on December, 2000, by then Secretary of Interior Bruce Babbitt, the Secretary of Agriculture Dan Glickman, and the Governor of Montana. This document was a long-term plan for bison management in this region.

The main objectives were to maintain a free-ranging bison population and manage the risk of transmission of diseases from bison to cattle. Both the State and the Park Service have specific responsibilities under this agreement.

When we have bison outside the park, bison are captured, tested and some are shipped to slaughter. On occasion, bison resist the capture or hazing and are shot. During the winter of 2002, there was a dangerous situation of this kind involving one bison bull. At the request of Montana, an interagency team, including the Park Service, shot the bull.

□ 1315

Mr. Chairman, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I do not understand why some Congressmen continue to offer amendments about issues that they truly do not understand, that they have never observed, nor have they ever participated in the solution to a problem that exists. The States of Wyoming, Idaho, Montana and the United States Departments of Agriculture and Interior have worked very hard over the past decade to protect and sustain the existing free-ranging elk and bison populations while still protecting the economic interests of the livestock industries in these States.

My colleague from West Virginia made the statement that it has never been proven that brucellosis has spread from bison to cattle. That is simply not true. My colleague from Montana will go further into that explanation. Controlling brucellosis is a delicate balancing act for all parties involved. We need to address the needs of each of the environment, Federal and private stakeholders. Bison numbers are nearly at capacity for the range in the parks and surrounding areas, and those herds must be managed. We must actively manage the herd consistently with the greater ecosystem management plan which has been established by stakeholders and the Departments and we have to employ sometimes the unfortunate use of reduction methods. To not do so would upset the balance of the Greater Yellowstone ecosystem. That is something that certainly my colleague from West Virginia would not want to happen.

The gentleman from West Virginia's amendment would make the decade-long efforts of public and private stakeholders in vain by limiting the use of Federal funds to aid the Park Service in managing the reduction of bison. I would much prefer the sponsor of this amendment begin attending the Greater Yellowstone Interagency Brucellosis Committee meetings as my staff does and learn the complexity of these issues and the limitations of reasonable solutions rather than enacting knee-jerk legislation that those of us in the surrounding communities have to then live with. By taking one of the Park Service's tools out of their tool box in bison and brucellosis management, this amendment reduces our ability to effectively control the bison herd at a time when its numbers are reaching maximum capacity.

This amendment will not reduce the reduction of bison leaving Yellowstone and Grand Teton parks. Merely the surrounding States will then have to take a more active role in reduction of their activities. This is nothing more than feel-good legislation that ignores all of the facts, all of the stakeholders' concerns and the real world.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, we must stop the Park Service from killing Yellowstone National Park's buffalo. More than any other animal, the American buffalo is a wildlife icon of the United States. The buffalo is the symbol that represents the Department

of the Interior. The buffalo is profoundly significant to Native American cultures and perhaps more than any other wildlife species has influenced our history.

In the late 19th century, buffalo were nearly exterminated. After tens of millions of buffalo were killed, only 200 wild buffalo remained in the Nation and all were located in Yellowstone National Park. Due to poaching, their numbers were reduced to 25 by the turn of the last century. The offspring of the 25 survivors, today's Yellowstone National Park buffalo, comprise the only wild, free-roaming buffalo to continually occupy their native habitat in the United States. Yet the Yellowstone buffalo herd is still under assault. Since 1984, nearly 3,700 buffalo have been killed in Montana. This past winter, 244 buffalo were killed by the Federal and State agencies, including 231 captured and slaughtered by the National Park Service. The Department of the Interior does this under the guise of preventing the spread of brucellosis to cattle.

Here are the facts. There has never been a confirmed incidence of brucellosis transmission in the wild from buffalo to cattle. This risk is so low as to be determined to be immeasurable by the 1998 report from the National Research Council of the National Academy of Sciences. 13,000 Yellowstone elk, some of which harbor brucellosis, are allowed unfettered access to Federal land outside the park. Buffalo with brucellosis and cattle have grazed together for over 50 years in the Jackson Hole area south of Yellowstone with no incidence of disease transmission. Despite these facts, the National Park Service spends taxpayer dollars to kill buffalo in an attempt to keep them unnaturally confined within Yellowstone.

Later this year I will introduce a bill that provides a comprehensive solution to this issue. But until the bison herd can freely roam on key low-elevation habitat on national forest land adjacent to the park like any other wildlife, without triggering hazing, capture or killing, the Park Service should be protecting this wildlife icon in Yellowstone Park and managing them in a nonlethal manner. The Rahall amendment will do this. I urge its adoption.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, the last speaker and the sponsor of this amendment act like nothing has been done over the last few years to try and manage the herds within Yellowstone Park. I can say that that is the farthest thing from the truth. This is 10 years of hard work. We have had agencies that disagreed, we have had States that disagreed, we have gone to court and sued each other and finally through the good sense of the Clinton administration and Bruce Babbitt, they signed a memorandum of understanding on the management of the park bison and they took it out of the court. In fact, they took it to court, and the court agreed with this memorandum of understanding.

To make the statement that it has never been passed in the wild, that is ludicrous. You cannot manage something like that because you would have to see the cow lick the aborted fetus of the bison and then immediately kill the cow and test it. We do have proof that brucellosis has been passed from bison to elk. We do have proof that in captivity brucellosis has been passed from bison to cattle.

This is also a human health issue. There are people all over this country and in the State of Montana that carry undulant fever, brucellosis; and they get it from these animals. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, which we passed and was signed by our President, the act specifies that the Secretary of the Department of Health and Human Services establish and maintain a list of biological agents and toxins that have the potential to pose a severe threat to public health and safety.

I turn to page 1. There are only seven bacteria in this bioterrorism alert. Brucellosis is number two on the list. Anthrax is number one. This is a health issue. This is a management of the health of the bison issue. The National Academy of Sciences had a study that was released a number of years ago that said the carrying capacity of the park is being exceeded. It has a capacity somewhere between 1,700 and 3,500 bison. As of last week, there are 4,045 bison on the park premises and leaving during the winter. The riparian damage that they do, the damage that they do to the very environment we are trying to protect in the national park is one of the reasons that we signed this memorandum of understanding with the Federal Government. We finally came to a compromise. We finally took it out of the court.

This amendment turns back 10 years' worth of compromise, 10 years' worth of consensus. Take it to a committee, bring it back to a discussion; but do not undercut the process creating a human health danger, a herd health danger, and danger to the environment of the national park. This amendment must be defeated.

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

Let me say once again that the bison is an American icon. In my own home State of West Virginia, at Marshall University, the football team's mascot is the bison. They are the Thundering Herd. Nobody slaughters that Thundering Herd just as nobody should slaughter the Yellowstone herd.

Are there alternatives? Yes. There are alternatives for dealing with diseased bison. It is not that difficult. Contrary to what the State claims, it does not require shooting them. We support continuing efforts to keep bison from having any contact with cows through the use of hazing and capturing bison when necessary. We support continued and improved testing to determine precisely how many bison actually have the disease. We support allowing bison which test positive to be quarantined either within the park or on any of the many Indian reservations where a tribe has contacted the Secretary volunteering to take possession of bison. All of these activities and more are allowed under the Rahall amendment. The only thing that is prohibited is killing these animals.

As far as the counter to our claim that there has never been a documented instance of a cow catching the disease from a bison, in the wild, it has never happened. I stress what we are saying here is in the wild. It is only a theory. If this concern were indeed serious, then bison would not be allowed to cross the southern park boundary and mingle with cattle in Wyoming, nor would elk, which also carry this disease, be allowed to leave the park and mingle with the cattle in Montana and Wyoming. None of this has led to an outbreak. The numbers regarding how many bison have the disease are inflated and unproven because under current practice most of them are not even tested before they are slaughtered. No one really knows how many bison have this disease.

In conclusion, Mr. Chairman, let me say that the Department of the Interior should not be out slaughtering an animal that they are in charge of protecting. This is not a difficult problem with which to deal. There are alternatives available. This amendment allows those alternatives to be pursued. The American bison is to our culture just like the bald eagle is the very icon of our American way of life. Let us protect that icon, and let us stop the slaughter of bison in Yellowstone.

I urge the adoption of the amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment, which I do not think makes any sense. It provides, ''None of the funds made available by this act may be used to kill or otherwise assist in killing any bison in the Yellowstone National Park herd.'' The national park herd is not controlled by the Congress. Nature takes care of the size of that herd. If it grows too large, if we have a situation where bison are starving in the national park because there is not enough land to take care of this ever-increasing-size herd, leave aside the debate about brucellosis and human health which I will address in a second, you have a very serious limitation on doing anything.

Secondly, the State of Montana has indicated that they are going to gather

up these bison that get off of the park and slaughter them. So now you have created a situation where the people responsible for taking care of them cannot have any cooperation with those who want to slaughter them and you are going to break down the scientific ability to make a sensible decision about when they should be slaughtered and when they should not.

Brucellosis is a highly contagious reproductive disease that affects cattle, bison, and swine by causing abortions, infertility, and lowered milk production. The disease is also transmissible to humans. Brucellosis is not a natural disease for bison. The disease was introduced into the bison herd when infected cattle arrived into North America and then infected the bison. To conclude that it is not going to work going back the other way, I think, is not sound science. We are rapidly approaching eradication of brucellosis from the U.S. cattle herd. The Yellowstone bison herd represents the last significant reservoir of brucellosis in the U.S.

The Rahall amendment would interfere with the eradication of brucellosis in the Greater Yellowstone area. For the health of our cattle herds and our bison herds, oppose this amendment. An interagency bison management plan has been developed, approved and is being implemented to deal with this situation. It is imperative that the National Park Service employees be allowed to continue to play their integral role in eradicating brucellosis. The response to the problem that the gentleman has identified of wanting to protect bison wherever possible is not enhanced by this amendment. This amendment is not based upon sound science. It is not based upon a commonsense approach to both protecting the interests of the State and the interests of those who are very concerned about the bison in our national park.

I urge my colleagues to oppose this amendment.

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 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

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. 10 offered by the gentlewoman from New York (Ms. SLAUGHTER); amendment No. 18 offered by the gentleman from Oregon (Mr. DEFAZIO); the amendment offered by the gentleman from Colorado (Mr. HEFLEY); amendment No. 17 offered by the gentleman from Colorado (Mr. TANCREDO); amendment No. 14 offered by the gentleman from Oregon (Mr. BLUMENAUER); and the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment offered by the gentleman from California (Mr. GALLEGLY) and amendment No. 4 offered by the gentleman from West Virginia (Mr. RAHALL) will be taken at a later time.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

□ 1330

AMENDMENT NO. 10 OFFERED BY MS. SLAUGHTER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. SLAUGHTER:

Page 21, line 3, after the first dollar amount, insert ''(reduced by $6,000,000)''.

Page 47, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 91, line 22, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 128, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 128, line 11, after the dollar amount, insert ''(increased $10,000,000)''.

Page 128, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 200, answered ''present'' 1, not voting 8, as follows:

[Roll No. 376]

AYES—225

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
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
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—200

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
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
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)

Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—8

Berkley
Brady (TX)
Ferguson
Gephardt
Janklow
Jefferson
Millender-McDonald
Turner (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1350

Mr. TAUZIN and Mr. HILL changed their vote from ''aye'' to ''no.''

Ms. WATERS and Mr. SIMMONS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCHUGH. Mr. Chairman, on rollcall vote No. 376 I inadvertently cast a ''nay'' vote. I had intended to vote ''aye.''

Stated against:

Mr. BRADY of Texas. Mr. Chairman, on rollcall No. 376 I was inadvertently detained. Had I been present, I would have vote ''no.''

Mr. PORTMAN. Mr. Chairman, on rollcall No. 376 I inadvertently voted ''yes.'' I meant to vote ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 18 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Oregon (Mr. DEFAZIO) 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 184, noes 241, not voting 9, as follows:

[Roll No. 377]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Franks (AZ)
Frost
Gallegly
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McInnis
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—241

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
English
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Houghton
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McGovern
McHugh
McKeon
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Clay
Ferguson
Gephardt
Hunter
Janklow
Jefferson
Millender-McDonald
Turner (OH)

□ 1359

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) 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 81, noes 341, not voting 12, as follows:

[Roll No. 378]

AYES—81

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Blackburn
Brady (TX)
Burgess
Buyer
Cannon
Carter
Chocola
Coble
Collins
Costello
Cox
Crane
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)
Gutknecht
Hefley
Hoekstra
Hunter
Hyde
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
Kirk
Lewis (KY)
Linder
Manzullo

McCotter
McInnis
Miller (FL)
Miller, Gary
Musgrave
Norwood
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Toomey
Wilson (SC)

NOES—341

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Cole
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Istook
Jackson (IL)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Berkley
Ferguson
Gephardt
Herger
Jackson-Lee (TX)
Janklow
Jefferson
Millender-McDonald
Nunes
Pelosi
Sandlin
Turner (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote, 2 minutes.

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 378 I was inadvertently detained. Had I been present, I would have voted "aye."

Stated against:

Mr. NUNES. Mr. Chairman, on rollcall No. 378, do to a technical malfunction, by vote did not register. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was unavoidably detained off the floor of the House during the recorded vote of the Hefley amendment, which was to cut the Interior appropriations by 1 percent. On that amendment, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. TURNER of Ohio. Mr. Chairman, on rollcall Nos. 376, 377, and 378 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 17 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 17 offered by the gentleman from Colorado (Mr. TANCREDO) 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 112, noes 313, not voting 9, as follows:

[Roll No. 379]

AYES—112

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blackburn
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Hyde
Isakson
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Otter
Paul
Pence
Petri
Pitts
Pombo
Putnam
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Skelton
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Weller
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—313

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood

Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—9

Berkley
Ferguson
Gephardt
Istook
Janklow
Jefferson
Millender-McDonald
Pelosi
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote, 2 minutes.

□ 1414

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 14 offered by the gentleman from Oregon (Mr. BLUMENAUER) 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 197, noes 228, not voting 9, as follows:

[Roll No. 380]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOES—228

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
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)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Buyer
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1421

Mr. MEEK of Florida 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. SHADEGG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) 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 128, noes 298, not voting 8, as follows:

[Roll No. 381]

AYES—128

Akin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Cole
Collins
Cox
Crane
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Jenkins
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Latham
Lewis (KY)
Linder
Lucas (OK)
McCotter
McInnis
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pitts
Pombo
Porter
Putnam
Radanovich
Renzi
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Weldon (FL)
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—8

Berkley
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1428

Mr. BURGESS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) 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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

□ 1430

REPORT ON H.R. 2765, DISTRICT OF COLUMBIA APPROPRIATIONS, 2004

Mr. FRELINGHUYSEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–214) on the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PENCE. Mr. Speaker, I ask unanimous consent to have my name 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.

PRIVILEGED REPORT IN THE MATTER OF THE RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 108–215) on the resolution (H. Res. 287) together with dissenting views, directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

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

Mr. VAN HOLLEN. Mr. Speaker, subject to rule XXII, clause 7(C), I hereby announce my intention to offer a Motion to Instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One. The House conferees shall be instructed to include in the conference

report the provision of the Senate amendment, not included in the House amendment, that provides immediate payments to taxpayers receiving additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders and with their consent and approval, the Chair announces that during the joint meeting to hear an address by the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 10, 2003, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 3:50 p.m., the following proceedings were had:

□ 1550

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair has appointed as members of the committee on the part of the House to escort the Right Honorable Tony Blair into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Nebraska (Mr. BEREUTER);

The gentleman from California (Mr. LEWIS);

The gentleman from Wisconsin (Mr. PETRI);

The gentleman from New York (Mr. KING);

The gentlewoman from Florida (Ms. GINNY BROWN-WAITE);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from South Carolina (Mr. CLYBURN);

The gentlewoman from Connecticut (Ms. DELAURO);

The gentleman from Missouri (Mr. SKELTON); and

The gentleman from California (Mr. LANTOS).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, has appointed the following Senators as members of the committee on the part of the Senate to escort the Right Honorable Tony Blair into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. ALLEN);

The Senator from Indiana (Mr. LUGAR);

The Senator from Colorado (Mr. CAMPBELL);

The Senator from North Carolina (Mrs. DOLE);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from Delaware (Mr. BIDEN);

The Senator from Vermont (Mr. LEAHY); and

The Senator from Connecticut (Mr. DODD).

The Committee has been advised to convene in the office of the Speaker with the Members of the Senate to escort the Prime Minister into the Chamber.

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 4 o'clock and 1 minute p.m., the Assistant to the Sergeant at Arms announced the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Right Honorable Tony Blair.

The Prime Minister of the United Kingdom of Great Britain and Northern Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

[Applause, the Members rising.]

ADDRESS BY THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Prime Minister BLAIR. Mr. Speaker, Mr. Vice President, Honorable Members of Congress, I am deeply touched

by that warm and generous welcome. That is more than I deserve and more than I am used to, quite frankly. And let me begin by thanking you most sincerely for voting to award me the Congressional Gold Medal. But you, like me, know who the real heros are: those brave servicemen and -women, yours and ours, who fought the war, and risk their lives still. Our tribute to them should be measured in this way: by showing them and their families that they did not strive or die in vain, but that through their sacrifice, future generations can live in greater peace, prosperity, and hope.

Let me also express my gratitude to President Bush. Through the troubled times since September 11 changed our world, we have been allies and friends. Thank you, Mr. President, for your leadership.

Mr. Speaker, my thrill on receiving this award was only a little diminished on being told that the first Congressional Gold Medal was awarded to George Washington for what Congress called ''his wise and spirited conduct in getting rid of the British out of Boston.''

On our way down here, Senator FRIST was kind enough to show me the fireplace where in 1814 the British had burned the Congress library. I know this is kind of late, but sorry.

Actually, you know, my middle son was studying 18th century history and the American War of Independence and he said to me the other day, you know Lord North, Dad. He was the British Prime Minister who lost us America. So just think, however many mistakes you make, you will never make one that bad.

Members of Congress, I feel a most urgent sense of mission about today's world. September 11 was not an isolated event, but a tragic prologue; Iraq, another act, and many further struggles will be set upon this stage before it is over. There never has been a time when the power of America was so necessary, or so misunderstood; or when, except in the most general sense, a study of history provides so little instruction for our present day. We were all reared on battles between great warriors, between great nations, between powerful forces and ideologies that dominated entire continents. These were struggles for conquest, for land or money. And the wars were fought by massed armies. The leaders were openly acknowledged; the outcomes decisive. Today, none of us expect our soldiers to fight a war on our own territory.

The immediate threat is not conflicts between the world's most powerful nations. And why? Because we all have too much to lose; because technology, communication, trade and travel are bringing us ever closer together; because in the last 50 years, countries like yours and mine have trebled their growth and standard of living; because even those powers like Russia or China or India can see the horizon of future wealth clearly and know they are on a steady road toward it; and because all nations that are free, value that freedom, will defend it absolutely, and have no wish to trample on the freedom of others.

We are bound together as never before. This coming together provides us with unprecedented opportunity that also makes us uniquely vulnerable. And the threat comes because in another part of our globe there is shadow and darkness where not all the world is free; where many millions suffer under brutal dictatorship; where a third of our planet lives in poverty beyond anything even the poorest in our societies can imagine; where a fanatical strain of religious extremism has risen that is a mutation of the true and peaceful faith of Islam; and because in the combination of these afflictions a new and deadly virus has emerged.

The virus is terrorism, whose intent to inflict destruction is unconstrained by human feeling and whose capacity to inflict is enlarged by technology. This is a battle that cannot be fought or won only by armies. We are so much more powerful in all conventional ways than the terrorists. Yet even in all our might, we are taught humility. In the end, it is not our power alone that will defeat this evil. Our ultimate weapon is not our guns, but our beliefs.

There is a myth that, though we love freedom, others do not; that our attachment to freedom is a product of our culture; that freedom, democracy, human rights, the rule of law are American values or Western values; that Afghan women were content under the lash of the Taliban; that Saddam was somehow beloved by his people; that Milosevic was Serbia's savior.

Members of Congress, ours are not Western values. They are the universal values of the human spirit. And anywhere, anytime ordinary people are given the chance to choose, the choice is the same: freedom, not tyranny; democracy, not dictatorship; the rule of law, not the rule of the secret police.

The spread of freedom is the best security for the free. It is our last line of defense and our first line of attack. And just as the terrorist seeks to divide humanity in hate, so we have to unify it around an idea, and that idea is liberty. We must find the strength to fight for this idea and the compassion to make it universal.

Abraham Lincoln said: ''Those that deny freedom to others, deserve it not for themselves.'' And it is this sense of justice that makes moral the love of liberty.

In some cases, where our security is under direct threat, we will have recourse to arms. In others, it will be by force of reason. But in all cases to the same end: that the liberty we seek is not for some, but for all. For that is the only true path to victory in this struggle.

But first we must explain the danger. Our new world rests on order. The danger is disorder, and in today's world it can now spread like contagion. The terrorists and the states that support them do not have large armies or precision weapons. They do not need them. Their weapon is chaos. The purpose of terrorism is not the single act of wanton destruction. It is the reaction it seeks to provoke: economic collapse, the backlash, the hatred, the division, the elimination of tolerance, until societies cease to reconcile their differences and become defined by them. Kashmir, the Middle East, Chechnya, Indonesia, Africa, barely a continent or nation is unscathed.

The risk is that terrorism and states developing weapons of mass destruction come together. And when people say that risk is fanciful, I say we know the Taliban supported al Qaeda; we know Iraq under Saddam gave haven to and supported terrorists; we know there are states in the Middle East now actively funding and helping people who regard it as God's will, in the act of suicide, to take as many innocent lives with them on their way to God's judgment. Some of these states are desperately trying to acquire nuclear weapons. We know that companies and people with expertise sell it to the highest bidder; and we know that at least one state, North Korea, lets its people starve while spending billions of dollars on developing nuclear weapons and exporting the technology abroad. This is not fantasy. It is 21st century reality, and it confronts us now.

Can we be sure that terrorism and weapons of mass destruction will join together? Let us say one thing. If we are wrong, we will have destroyed a threat that, at its least, is responsible for inhuman carnage and suffering. That is something I am confident history will forgive. But if our critics are wrong, if we are right, as I believe with every fiber of instinct and conviction I have that we are, and we do not act, then we will have hesitated in the face of this menace when we should have given leadership. That is something history will not forgive.

But precisely because the threat is new, it is not obvious. It turns upside down our concepts of how we should act and when, and it crosses the frontiers of many nations. So just as it redefines our notions of security, so it must refine our notions of diplomacy.

There is no more dangerous theory in international politics today than that we need to balance the power of America with other competitor powers, different poles around which nations gather. Such a theory may have made sense in 19th century Europe. It was perforce the position in the Cold War. Today, it is an anachronism to be discarded like traditional theories of security. And it is dangerous because it is not rivalry but partnership we need, a common will and a shared purpose in the face of a common threat.

I believe any alliance must start with America and Europe. If Europe and America are together, the others will work with us. If we split, the rest will

play around, play us off, and nothing but mischief will be the result of it.

You may think after recent disagreements it cannot be done. But the debate in Europe is open. Iraq showed that, when, never forget, many European nations supported our action, and it shows it still when those that did not, agreed Resolution 1483 in the United Nations for Iraq's reconstruction. Today, German soldiers lead in Afghanistan. French soldiers lead in the Congo where they stand between peace and a return to genocide. So we should not minimize the differences, but we should not let them confound us either.

People ask me, after the past months when, let us say, things were a trifle strained in Europe, why do you persist in wanting Britain at the center of Europe? And I say, well, maybe if the U.K. were a group of islands 20 miles off Manhattan, I might feel differently; but, actually, we are 20 miles off Calais and are joined by a tunnel. We are part of Europe, and we want to be; but we also want to be part of changing Europe.

Europe has one potential for weakness. For reasons that are obvious, we spent roughly a thousand years killing each other in large numbers. The political culture of Europe is inevitably and rightly based on compromise. Compromise is a fine thing, except when based on an illusion; and I do not believe you can compromise with this new form of terrorism.

But Europe has a strength. It is a formidable political achievement. Think of the past and think of the unity today. Think of it preparing to reach out even to Turkey, a nation of vastly different culture, tradition and religion, and welcome it in.

But my real point is this: now Europe is at a point of transformation. Next year, 10 new countries will join. Romania and Bulgaria will follow. Why will these new European members transform Europe? Because their scars are recent. Their memories strong. Their relationship with freedom still one of passion, not comfortable familiarity. They believe in the transatlantic alliance. They support economic reform. They want a Europe of nations, not a superstate. They are our allies, and they are yours. So do not give up on Europe. Work with it.

To be a serious partner, Europe must take on and defeat the anti-Americanism that sometimes passes for its political discourse. And what America must do is show that this is a partnership built on persuasion, not command. Then the other great nations of our world and the small will gather around in one place, not many; and our understanding of this threat will become theirs. And the United Nations can then become what it should be, an instrument of action as well as debate.

The Security Council should be reformed. We need a new international regime on the nonproliferation of weapons of mass destruction. And we need to say clearly to United Nations' members: If you engage in the systematic and gross abuse of human rights in defiance of the U.N. charter, you cannot expect to enjoy the same privileges as those that conform to it.

I agree, it is not the coalition that determines the mission, but the mission, the coalition. But let us start preferring a coalition and acting alone if we have to, not the other way round. True, winning wars is not easier that way. But winning the peace is. And we have to win both.

You have an extraordinary record of doing so. Who helped Japan renew or Germany reconstruct or Europe get back on its feet after World War II? America.

So when we invade Afghanistan or Iraq, our responsibility does not end with military victory. Finishing the fighting is not finishing the job. So if Afghanistan needs more troops from the international community to police outside Kabul, our duty is to get them. Let us help them eradicate their dependency on the poppy, the crop whose wicked residue turns up on the streets of Britain as heroin to destroy young British lives as much as their harvest warps the lives of Afghans.

We promised Iraq democratic government. We will deliver it. We promised them the chance to use their oil wealth to build prosperity for all their citizens, not a corrupt elite. And we will do so. We will stay with these people, so in need of our help, until the job is done.

And then reflect on this: How hollow would the charges of American imperialism be when these failed countries are and are seen to be transformed from states of terror to nations of prosperity; from governments of dictatorship to examples of democracy; from sources of instability to beacons of calm? And how risible would be the claims that these were wars on Muslims, if the world could see these Muslim nations still Muslim but with some hope for the future, not shackled by brutal regimes whose principal victims were the very Muslims they pretended to protect? It would be the most richly observed advertisement for the values of freedom we can imagine.

When we removed the Taliban and Saddam Hussein, this was not imperialism. For these oppressed people, it was their liberation. And why can the terrorists even mount an argument in the Muslim world that it is not? Because there is one cause terrorism rides upon, a cause they have no belief in, but can manipulate.

I want to be very plain. This terrorism will not be defeated without peace in the Middle East between Israel and Palestine. Here it is that the poison is incubated. Here it is that the extremist is able to confuse in the mind of a frighteningly large number of people the case for a Palestinian state and the destruction of Israel, and to translate this, moreover, into a battle between East and West, Muslim, Jew, and Christian. We must never compromise the security of the State of Israel.

The State of Israel should be recognized by the entire Arab world, and the vile propaganda used to indoctrinate children not just against Israel but against Jews must cease. You cannot teach people hate and then ask them to practice peace. But neither can you teach people peace except by according them dignity and granting them hope. Innocent Israelis suffer. So do innocent Palestinians. The ending of Saddam's regime in Iraq must be the starting point of a new dispensation for the Middle East.

Iraq: free and stable. Iran and Syria, who give succor to the rejectionist men of violence, made to realize that the world will no longer countenance it; that the hand of friendship can only be offered them if they resile completely from this malice, but that if they do, that hand will be there for them and their people. The whole of the region helped towards democracy. And to symbolize it all, the creation of an independent, viable, and democratic Palestinian state side by side with the State of Israel.

What the President is doing in the Middle East is tough, but right. And let me at this point thank the President for his support and that of President Clinton before him and the support of Members of this Congress for our attempts to bring peace to Northern Ireland. One thing I have learned about peace processes, they are always frustrating, often agonizing, and occasionally seem hopeless; but for all that, having a peace process is better than not having one.

And why has a resolution of Palestine such a powerful appeal across the world? Because it embodies an evenhanded approach to justice. Just as when this President recommended and this Congress supported a $15 billion increase in spending on the world's poorest nations to combat HIV/AIDS, it was a statement of concern that echoed rightly round the world.

There can be no freedom for Africa without justice, and no justice without declaring war on Africa's poverty, disease, and famine with as much vehemence as we remove the tyrant and the terrorist.

In Mexico in September, the world should unite and give us a trade round that opens up our markets. I am for free trade, and I will tell you why. Because we cannot say to the poorest people in the world we want you to be free but just do not try to sell your goods in our market. And because ever since the world started to open up, it has prospered.

That prosperity has to be environmentally sustainable, too. I remember at one of our earliest international meetings a European Prime Minister telling President Bush that the solution was quite simple: just double the tax on American gasoline. Your President gave him a most eloquent look.

It reminded me of the first leader of my party, Keir Hardy, in the early part of the 20th century. He was a man who used to correspond with the Pankhursts, the great campaigners for women's votes. Shortly before the election in June, 1913, one of the Pankhurst sisters wrote Hardy saying she had been studying Britain carefully, and there was a worrying rise in sexual immorality linked to heavy drinking. So she suggested he fight the election on the platform of votes for women, chastity for men, and prohibition for all. He replied saying, ''Thank you for your advice, the electoral benefits of which are not immediately discernible.'' We all get that kind of advice.

But, frankly, we need to go beyond even Kyoto; and science and technology is the way. Climate change, deforestation, and the voracious drain on natural resources cannot be ignored. Unchecked, these forces will hinder the economic development of the most vulnerable nations first and, ultimately, all nations. We must show the world that we are willing to step up to these challenges around the world and in our own backyards.

Members of Congress, if this seems a long way from the threat of terror and weapons of mass destruction, it is only to say again that the world's security cannot be protected without the world's heart being won. So America must listen as well as lead, but Members of Congress, do not ever apologize for your values. Tell the world why you are proud of America. Tell them when the ''Star Spangled Banner'' starts, Americans get to their feet: Hispanics, Irish, Italians, Central Europeans, East Europeans, Jews, Muslims, white, Asian, black, those who go back to the early settlers and those whose English is the same as some New York cab drivers I have dealt with but whose sons and daughters could run for Congress. Tell them why Americans, one and all, stand upright and respectful, not because some State official told them to but because whatever race, color, class, or creed they are, being American means being free. That is what makes them proud.

As Britain knows, all predominant power seems for a time invincible, but in fact it is transient. The question is: What do you leave behind? What you can bequeath to this anxious world is the light of liberty. That is what this struggle against terrorist groups or states is about. We are not fighting for domination. We are not fighting for an American world, though we want a world in which America is at ease. We are not fighting for Christianity, but against religious fanaticism of all kinds.

This is not a war of civilizations, because each civilization has a unique capacity to enrich the stock of human heritage. We are fighting for the inalienable right of humankind, black or white, Christian or not, left, right or merely indifferent, to be free; free to raise a family in love and hope; free to earn a living and be rewarded by your own efforts; free not to bend your knee to any man in fear; free to be you so long as being you does not impair the freedom of others. That is what we are fighting for, and that is a battle worth fighting.

I know it is hard on America. And in some small corner of this vast country out in Nevada or Idaho, these places I have never been to but have always wanted to go, I know out there is a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country, why me and why us and why America?

The only answer is because destiny put you in this place in history in this moment in time, and the task is yours to do.

And our job, my nation that watched you grow, that you have fought alongside and now fights alongside you, that takes enormous pride in our alliance and great affection in our common bond, our job is to be there with you.

You are not going to be alone. We will be with you in this fight for liberty. We will be with you in this fight for liberty; and if our spirit is right, and our courage firm, the world will be with us. Thank you.

[Applause, Members rising.]

At 4 o'clock and 42 minutes p.m., the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 4 o'clock and 45 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BONILLA) at 5 o'clock and 31 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 319 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. 2691.

□ 1732

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. 2691) making appropriations for the Department of the Interior 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, the amendment by the gentleman from Arizona (Mr. SHADEGG) had been disposed of and the reading of the bill had progressed through page 154 line 13.

AMENDMENT NO. 9 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. UDALL of New Mexico:

Add at the end (before the short title) the following new section:

SEC. ____. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

The CHAIRMAN. Points of order are reserved.

Pursuant to the previous order of the House of today, the gentleman from New Mexico (Mr. UDALL) will control 15 minutes. The gentleman from North Carolina (Mr. TAYLOR) will control 25 minutes. The gentleman from Washington (Mr. DICKS) will control 15 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to protect our national forests and ensure that they continue to

be managed using long-standing scientific principles and practices. My amendment will stop a radical rewrite of 27 years of bipartisan forest management policy. It will prohibit the use of funds provided in this bill for the finalization or implementation of the Bush administration's proposed changes to the National Forest Management Act of 1976.

The proposed regulations constitute a radical departure from current forest management policy, first adopted and implemented by Congress and the Reagan administration over 20 years ago. The proposed changes will greatly reduce the amount of environmental analysis, wildlife protection and public involvement currently required in the development and revision of forest management plans. Many of these changes reflect the so-called timber industry wish list.

In at least eight specific instances, the proposed regulations closely mirror policies favored by the timber industry. To name a few of these, the proposed recommendations eliminate ecological sustainability as the priority of the Forest Service; eliminate protections for wildlife; eliminate scientific oversight of agency actions; and eliminate most mandatory standards for forest management.

These measures were designed to strengthen Forest Service accountability. The National Forest Management Act established new duties to conserve biological diversity, to ground management decisions in sound science, and to ensure extensive public participation opportunities in the forest planning process. The proposed regulations depart in a number of ways from sound forest management policy that has existed for the past 6 administration.

First, the Bush administration's regulations would effectively exempt forest management plans from the National Environmental Policy Act, NEPA, the Magna Carta of environmental law.

Second, the administration's proposed rules would eliminate the requirements to maintain viable populations of native wildlife.

Third, the changes would increase the likelihood of harmful logging projects based on multiple use values.

Fourth, the administration's proposal would also reduce overall environmental standards and accountability by allowing management plans to be revised to accommodate individual projects.

Finally, I believe that these changes would drastically limit public involvement. The opportunity to request an administrative review or file an appeal would be severely curtailed. These changes would eliminate sound science as a basis for forest management.

The proposed regulations were developed without a Committee of Scientists, a statutorily-authorized body that has informed the development of every other change in NFMA regulations since their inception.

The administration's dismissal of the principles of sound science and NEPA highlights its contempt for public involvement and scientific input. The recommendations of the independent Committee of Scientists have guided every rewrite of the NFMA regulations since 1979.

Ronald Reagan used a team of scientists to write the original regulations. Three years ago, Bill Clinton revised the regulations with significant input from scientists. If it was good enough for President Reagan and good enough for President Clinton, why does President Bush insist on throwing science out the window? Because the scientists will not give him the answers his timber industry friends want.

These proposed regulations were developed with maximum input from the timber industry and minimum input from the American public and the scientific community. The proposed regulations have received widespread editorial opposition from newspapers around the Nation. These regulations were also strongly opposed by the environmental community, sportsmen's groups, Republicans for Environmental Protections, and members of the Committee of Scientists.

In the public comment process, 325 scientist from across the Nation are urging the Forest Service to withdraw the proposed regulations, and over 100,000 citizens have submitted comments urging withdrawal of these regulations. Given the administration's refusal to adequately consult the scientific community, let alone listen to its comments, Congress must intervene and stop this flawed and environmentally damaging rulemaking.

I strongly urge all of my colleagues from both sides of the aisle to join me in supporting and maintaining sound principles of forest management.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, rise in opposition to this amendment.

This funding limitation would stop changes to the National Forest Management Act planning regulations. This is a bad amendment, and that is the best thing I can say about it.

National forest planning has become an endless gridlock which needs to be fixed. This administration is trying to make appropriate changes. If this amendment were adopted, the Forest Service would either continue to operate under the outdated 1982 planning regulations or begin to implement highly prescriptive and expensive 2000 planning regulations.

The 1982 planning regulations require the Forest Service to use unnecessary analytical processes and implement outdated science requirements. Under the old forest planning regulations, it takes an average of 5 to 6 years to complete a forest plan at a cost of 5 to $6 million each. Now, this is much too long. And, in fact, it is not a plan effort. It is not a scientific move. It is an effort to stop all harvesting in the forest, and we know that this amendment would delay forest projects which are now needed to clean up our forests and reduce the danger of fire, the real problems with fire that has been exaggerated in many ways by the lack of scientific forest management throughout the country, especially in the West.

This amendment would require national forests to be managed under plans that are clearly out of date, waste money on out-of-date planning methods, and are designed just to stop harvests altogether. So I certainly hope you will join me in defeating this amendment.

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

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Mexico (Mr. UDALL) and commend the gentleman for his attention to the important issue of forest health and the protection of our public lands. The amendment applies to U.S. Forest Service managed lands which support 17 percent of Federally endangered and threatened species.

In November, 2002, the Bush administration proposed a radical and sweeping rewrite of the forest policy that has governed the Nation since shortly after passage of the National Forest Management Act, NFMA, in 1976. The changes would eliminate or seriously weaken vital safeguards for 155 national forests in the United States and that were put in place by the Reagan administration.

I served under President Reagan, and I can tell you in this one case I was very pleased that he used science in order to make a determination on these forests plans.

Now the Bush administration, however, attempts to allow forest plans to be exempted from the analysis of their environmental impacts as required by NEPA, the National Environmental Policy Act. It seeks to do away with the rule that requires the Forest Service to maintain native species of wildlife in each national forest. The proposed regulations try to make surveying wildlife merely optional.

In addition, the draft would reduce the role of scientists and monitoring in forest planning. Extensive requirements for independent scientific review and consultation in the development of forest plans would be eliminated and replaced with optional provisions of including scientists in the process. The effect of these regulations would be to virtually eliminate scientific review of forest plans.

Public participation is greatly restricted in the forest planning process. The rule would discount petitions, cards and other methods citizens use to contact their government. Also, this plan would halt the appeals process allowed under current rules.

The Udall amendment would limit the Bush administration reductions to

the National Forest Management Act. The new regulations are the wrong policy to maintain and preserve our national forests.

Mr. Chairman, I encourage my colleagues to support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

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

Mr. Chairman, I rise in opposition to the amendment. I think what we are going through is more of the same, and that is to protect an effort that is being made to protect a broken system. What is in place right now is a bureaucratic system of red tape that makes it nearly impossible to move forward.

□ 1745

Forest plans, which must by law be rewritten every 15 years, often take between 7 to 10 years to draft and implement. For example, the forest plan on the Black Hills National Forest in South Dakota took over 7 years to complete. The Tongass forest plan in Alaska took 9 years to complete. That is right, 9 years to complete a 15-year forest plan. Both cost millions of dollars to go through the process.

It is a broken system. It is what we are trying to fix. The 11th-hour regulations that were adopted by the previous administration do not work, and what the administration is trying to do is update those regulations so they represent what the reality is today, and that is the effort that is being made. I think that this amendment completely undermines the ability to do that.

Charges that recent Forest Service-proposed regulations weaken essential wildlife protections are absurd. The proposed regulations offered two options for wildlife analysis on which the Forest Service conducted a national workshop to solicit the views of leading wildlife experts from around the country. The focus of this effort has been to make wildlife analysis more useful to the public and decision-makers.

Charges that the 2002 draft weakens public involvement are also unfounded. The draft regulations provide for public involvement at every single step. They preserve appeal opportunities like those in the 2000 regulations and go well beyond the baseline requirements of NEPA. More timely planning will further facilitate effective public participation.

The bottom line is that we do need this a lot faster. It is absolutely outrageous that we would spend 9 years going through the bureaucratic process, 9 years going through the bureaucratic process to adopt a 15-year plan. How outrageous is that? Only in Washington would somebody move to try to preserve that.

If there are problems with the current system, participate in rewriting those regulations. Have your input put in that, but do not try to go back to a broken system. That is outrageous, and I have no idea why anyone would possibly want to do that.

We need to streamline the system. We need to move a lot quicker. We need to make it more efficient and more responsive to the public and our constituents. Trying to go back to a broken system makes absolutely no sense.

I oppose the amendment. I support the underlying bill, and I would ask my colleagues to oppose the Udall amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 1 minute.

The gentleman from California uses an example of a forest plan where he says it took 9 years to plan to put together a 15-year plan. We are not in any way trying to protect an inefficient, ineffective process. The bureaucrats have to get their act together. For the most part, for the most part, forest planning saves the taxpayer money. It saves time and it allows the public input, and what we are objecting to here is the public is being cut out of the process with these regulations.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA), a valuable member of the Committee on Resources, a leader on these important forest management issues.

Mr. GRIJALVA. Mr. Chairman, first of all, I rise today to urge my colleagues to vote for the Udall amendment and also to thank the gentleman from New Mexico (Mr. UDALL) for this very thoughtful amendment that continues the protection of our national forests.

The national forests are owned by all the citizens of the United States. Our forests provide places for families to camp, hike, fish, and mountain bike. They are increasingly under demand for recreation as our cities grow and open space is at a premium. Forests provide not only recreational opportunities but also clean water for cities and habitat for wildlife.

Because Americans enjoy forests so much for all their values, they also want to participate in the planning for their management. They want to have a voice in determining that forests are available for recreation, that habitat is provided for wildlife, and that everyone is accommodated. For decades citizens have participated in forest planning, and forests are better for it.

But the Bush administration would prefer the citizens stay out of the process, making it easier for big timber companies to log and mining companies to drill. This is wrong. The Bush administration's regulations are giving away environmental protection and public participation in the name of helping the timber industry and others to get what they want first, but they do not own the forests. The American people own the forests.

The administration's regulations are a bad deal for the environment, a bad deal for citizens; and I would urge people to vote ''yes'' on the gentleman from New Mexico's (Mr. UDALL) amendment to suspend full funding for the new Bush administration's regulations on forest management.

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

I would like to engage the gentleman from New Mexico, the sponsor of the amendment, in a couple of questions.

First of all, one of the assertions here that bothers me the most, having lived through the spotted owl issue in the Pacific Northwest, is that there seems to be an indication here that science is not favored in the development of this rule. We have a group of scientists who write to the USDA Forest Service planning rule saying as scientists with expertise and conservation, biology and fish and wildlife management, we are writing to express our concern over the proposed National Forest Management Act, and they go on. We request that you reinstate the 2000 rule that received very thoughtful input by scientists and the public.

We would like to respond as specifically to three assertions underlying the proposed 2002 rule change that, on examination, turned out to be false.

One, that monitoring an assessment of the species level cost too much. It seems that if we are going to have multiple use and if we are going to protect the forests, that one of the things that has to be done under any circumstance is monitoring an assessment of the condition of the species. What would the gentleman have to say about that?

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentleman from Washington, and first let me say that the ranking member from Washington, and my good friend, has shown very strong support for this amendment. He has given me guidance on getting this amendment through the appropriations process, and his leadership on this important environmental issue is very much appreciated.

The point he makes with regard to science and what he is talking about is making sure that there is scientific input, that there is public input in this process; and what we are talking about today with these proposed regulations is they have swept the public out of the system. They have swept the scientists out of the system.

As the gentleman from Washington knows, the planning process includes everybody; and if we sweep these people aside, we are then going to have inefficient forest plans. We are going to have forest plans where people are going to sue under them, and we are going to waste a lot of time and money.

So I think the gentleman makes a very good, solid point.

Mr. DICKS. Mr. Chairman, reclaiming my time, that is what concerns me here. We have been through the Endangered Species Act, the listing of these

species. If we are now going to wipe the scientists out as we develop these forest plans and not take into account their input, we are just going to open ourselves up again to additional listings under the Endangered Species Act.

The one thing I found in the Northwest was we had to base our decisions on science, science, science. They had to be scientifically credible, legally defensible.

I worry that without public input, without scientific input, letting the agencies do what they want in the name of expediency, that we are going to wind up with a lot of additional listings and then a lot of additional requirements to set aside acres for protection. We are going to get into the same mess we were in before. Because if we do not rely on science, if we do not do what is scientifically credible and legally defensible, I see us getting into worse shape than we are already in. That is what bothers me about what the administration has done.

None of us like the fact that it takes 9 years or whatever amount of time, but that is because the administration, whoever is in charge, has not promptly dealt with these issues; and the concerns that are expressed by these scientists is that in 2000, during the Clinton administration, there was scientific input; and then we get the new administration, they walk away from science.

All I think it is going to do is lead us back into trouble, back into more listings; and I do not see how that does anybody any good. It is the listings that cause the economic disruption and the problems in the communities. It is better to do these plans credibly, take the time, use the science and make sure we get something that can be sustained in the courts because, at some point, the biologist is going to be taken into court. He is going to be put on the stand, and he is going to say and the lawyers are going to ask, if this scientifically credible? The minute he says no, the judge is going to enjoin the plan. It is not going to do any good.

By not using the credible science in the first place, trying to slip around this, I think we are making a terrible mistake, and I think we will be back here shortly saying we have got to redo this because it simply did not work.

Mr. UDALL of New Mexico. Mr. Chairman, if the gentleman would yield just a moment on that point, as the gentleman from Washington knows, one of the things that has happened here, this is not an amendment we have moved quickly on. We have given notice to this administration. The gentleman and I have signed a letter, over 100 Members of Congress have signed a letter to the President, Members from the other side of the aisle have signed a letter to the Secretary of Agriculture, calling for exactly what the gentleman is calling for, scientific input on these regulations. When they ignored these letters, when they ignored the request, our only avenue was to work with the gentleman and his appropriations bill to stop this process so that we could get scientific review.

Mr. DICKS. Again, I just think it is important for us to understand why we are coming here with this limitation is because of the failure, frankly, of the administration to take into account the concerns that have been expressed by the Congress, by the scientists, by the outside groups, and I just think it is a terrible mistake, and I urge strong support for the Udall amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

A few weeks ago, we passed legislation that would stop the disastrous fires. It will take a long period of time. It will take management plans to be implemented to get rid of the crowded undergrowth and stop the fires that are costing us billions of dollars and burning up tens of millions of acres of our forests.

Let me tell my colleagues, these forest plans, and there are 40 forest plan revisions under way, 36 of these plans are more than 15 years old. Unless regulations are changed, 52 more are expected to go beyond the 15-year limit in the next decade. We cannot make any progress in fighting fires, stopping fires, not having to spend the money and the millions of dollars unless we get plans that are going to take less than 15 years, and yet most of these plans are going to do.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I am somewhat hesitant to wade into this debate because I am somewhat new to it, and I want to agree with the gentleman from North Carolina (Mr. TAYLOR), and I rise in opposition to this amendment.

He talked about the millions of acres and the millions of dollars. Essentially, if we boil this debate down that we are having right now, the proponents of this amendment are saying the status quo is just fine. Let me tell my colleagues, the status quo is not fine. Let me give my colleagues some of the reasons. Let me give my colleagues some of the reasons why the status quo is not acceptable. It is not about millions of dollars. It is not even about millions of acres of wasted forest. Let me give my colleagues some of the reasons:

Kathi Beck, 24, Eugene, Oregon; Tami Bickett, 25, Powell Butte, Oregon; Scott Blecha, 27, Clatskanie, Oregon; Levi Brinkley, 22, Burns, Oregon; Robert Browning, no age given, of Savannah, Georgia; Doug Dunbar, 23, of Redmond, Oregon; Terri Hagen, 28, Prineville, Oregon; Bonnie Holtby, 21 years old, Prineville, Oregon; Rob Johnson, 26, Redmond, Oregon.

□ 1800

John Kelso, 27, Prineville, Oregon; Don Mackey, 34, Hamilton, Montana; Roger Roth, 30, McCall, Idaho; James Thrash, 44, McCall, Idaho; Richard Tyler, 33, Grand Junction, Colorado.

Those are the young people. Those are the young people who lost their lives in one forest fire. And for people to come to the floor of this House and say the status quo is acceptable, that we can lose 23 forest firefighters in 1 year, 18 the year before, 17 the year before, 86 young people in the last 4 years, I say the status quo is not acceptable. I say we have to move forward with healthy forest management.

For people out in the West, they must be wondering, why does Washington continue to fiddle while our forests burn and our young forest firefighters die? No, Members, the status quo is not acceptable. How many more young people will have to die fighting these fires until we realize that we need real healthy forest management?

It starts today. It starts with our vote on this amendment. Let us reject this amendment. Let us let the Forest Service do what it knows how to do best. Let us get honest plans going for these forests. Let us do it now.

Mr. DICKS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Washington has 2 minutes remaining.

Mr. DICKS. Mr. Chairman, I yield myself 30 seconds.

First of all, with all due respect, the forest plans do not have a lot to do with the funding that is necessary to deal with the important issues the gentleman is talking about. We are for trying to fund the programs that will improve forest health and allow us to deal with these fires. Our committee has appropriated a considerable amount of money, but having a good scientifically credible plan is crucial. It is not status quo. This is the kind of creative change that we have to have, and that is why I support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have appropriated a great deal of money, and I appreciate the efforts of my friend, the gentleman from Washington (Mr. DICKS), in that area. He has been a leader in that area. But time is not the only consideration here. If we have money in the vault for the next 15 years and it is not spent, then the fires will continue and the young lives will be lost.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to this amendment.

This amendment would prevent the Forest Service from completing a much-needed amendment to the current outdated National Forest Management Act planning regulations. The current planning regulations were written over 21 years ago, and they

need to be updated. The Forest Service is currently operating under the 1982 regulations. There have been significant developments in the science of active forest management, and revisions are needed to reflect these developments.

One would think that environmental organizations that are supporting the amendment of the gentleman from New Mexico would understand that. We are operating a generation ago in terms of the technology that is available and in terms of the planning protocols that are available. The Society of American Foresters, an organization founded by Gifford Pinchot, agrees with us. They oppose this amendment. They support the efforts to revise the existing NFMA.

The Forest Service is currently drowning in paperwork and red tape. They estimate that they spend more than 40 percent of their budget and personnel hours on planning and fighting court battles rather than in the forests. Let me repeat that. Of all the money that they have to spend, 40 percent of it does not go to helping our forests. It goes to paying for lawyers to fight lawsuits. It goes to paying for the bureaucracy to deal with the planning process.

The proposed 2002 regulations would allow land managers to get more accomplished on the ground; and that is especially critical right now, as our public lands are currently in a grave forest health crisis and are in need of active management to restore them. We are facing problems in our forests not just with forest fires, which clearly is the most serious problem, but with disease and insect infestation all across the country, and we need to give them the tools to act promptly to save our forests, to prevent them from being burned down, to prevent them from being devoured by gypsy moths and pine bark beetles and a whole host of other insects.

The proposed 2000 regulations protect wildlife and public involvement. The 2002 proposal offers two options to provide for biological diversity, which were presented and discussed at a national workshop involving wildlife experts and ecologists from across the country. The 2002 proposal provides opportunities for public input at every step in the planning process. Completing the 2002 regulations should be a top priority for everyone and anyone concerned about our national forests.

The Forest Service is in the midst of evaluating public comments on the 2002 proposed rule. Halting this process would significantly delay the efforts to implement improvements on the old regulations. It currently takes 5 to 10 years to complete a forest plan under the old planning regulations. That is outrageous, it is irresponsible, and it indicates the kind of morass that the Forest Service finds itself in. These proposed rules would help to make sure that we can more promptly get that input from the public, input from environmental organizations, input from industry, input from local communities, input from everybody affected in this process and then act on it in a more timely fashion than 10 years down the road.

If we were to identify a problem and say, well, 10 years from now we will get around to solving it, that would be an irresponsible way to handle things. The Forest Service's hands are tied. This amendment will keep them tied for a long time. I urge my colleagues to oppose this amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER), one of our key members on the Committee on Resources, who has been here for the period of time while these regulations have evolved and I am sure has some real insight on this.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time; and I rise in support of this amendment.

My colleagues want to argue that somehow to cut the public out of the process, to provide a public process that is discretionary is somehow going to help in the planning of our forests. Well, we passed a bill here to deal with fire. My colleagues want to keep talking about fire, but somehow they do not want to pass the bill. We sent it to the Senate. I do not agree with every provision in it, but where is the Senate bill?

The fires are burning, we have a bill to address that, but now my colleagues want to use fire as an example to gut these regulations. We know what happens when the Forest Service does not involve the public or does not involve the scientists. We had a policy that almost destroyed the forests, either because they mindlessly cut down the forests and destroyed watersheds and destroyed streams, or they mindlessly did not deal with the forests and we built up such fuel loads that we lost them to catastrophic fires.

Now, as a result of a public process, because communities are involved, individuals are involved that live in the area, organizations that know about this and scientists who care about this, we have a comprehensive planning proposal that deals with these forests. These forests are not simplistic. These are complicated, huge watersheds and ecosystems, and that is what we have learned from the scientists.

Now my colleagues want to throw the scientists out of the room and treat these forests and treat these watersheds and treat these ecosystems somehow in a simplistic fashion. There is more to a forest than just the treatment of the fuel load. There is more to the habitat protection. There is more to the species protection than that. That is why these regulations are in play.

What the Bush administration is suggesting is that we just take a simplistic approach; and that if we take a simplistic approach, the first thing we will want to do is to cut the public out of the process. Well, the people in the communities that are impacted by these forests have a stake in it, they have an economic stake, they have a life-style stake, they have a standard of living stake, so they are concerned about those forests. But it would be much easier to cut them out of it. It should be in the direction of the forest manager as to whether he wants to let them in at this point or that point or the next point in the process.

Public participation is not a luxury. It is a right in this country. It is important to developing good policy. And that is why we should support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume to remind all of us that we spend millions of dollars in research. Science is going on in modern silviculture every year. We have forest research stations, we have private research stations, we have all our universities with schools of forestry participating in the science, and so it is working every day.

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

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

Mr. STENHOLM. Mr. Chairman, I respectfully rise in opposition to this amendment offered by my good friend, the gentleman from New Mexico (Mr. UDALL).

There have been significant developments in science, adaptive management and the concept of sustainability within the Forest Service. However, the current regulations were written 30 years ago and are not adapting the new regulations as fast as we need to for the preservation of healthy forests. This amendment will prevent the Forest Service from modernizing its planning regulations under the National Forest Management Act by removing funding for the implementation of the proposed 2002 regulation.

Now, I understand people that can oppose new and better techniques. I understand how we can have differences of opinion. But those who make accusations that the proposed 2002 regulations weaken wildlife protection and public involvement simply are not true. Read the bill. It is not true. It does allow for more attitudes to be considered, and that is healthy. It is healthy.

Completing the 2002 regulations should be a priority, thus allowing land managers to get more accomplished on the ground. Our public lands face a grave forest health crisis and are in need of active management to restore them. If you support scientific forest management over red tape, you oppose this amendment, you let the regulations be written, you let them be implemented and then, if they are not doing what needs to be done, you correct them. But holding fast with regulations 30 years old are not a way to

manage our forests for a more healthy, sustainable environment, as well as industry, as well as those who love the outdoors.

Oppose this amendment. Let us get on with changing the regulations to adapt sound science to our forests.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 1½ minutes to respond to my good friend, the gentleman from Texas.

I think it is fair to say that the forest management plans that we have today, supplemented by sound science, if we moved in that direction, and we had been moving in that direction over the next 100 years, we would not have the problems with the forest fires if we had gone through this process, this management process. That is why I think it is so offensive to us that support this amendment and are working on this that the scientists are cut out.

That is why I would disagree with the gentleman when he says, let the regulations go into effect. If you let the regulations go into effect, we are going to find ourselves in court, we are going find ourselves in a bollixed-up situation. We are going to hurt the forest management process.

So that is why over 300 scientists have written to the administration and said, stop here. That is why over 100 Members of Congress on a bipartisan basis have said, involve the scientists before you finalize these regulations. And, really, what we are trying to do is say, stop, put in place good regulations based on sound science, and then you will not run into problems.

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

Mr. UDALL of New Mexico. I yield to the gentleman from Texas if he would like to respond.

Mr. STENHOLM. I would, Mr. Chairman, because the gentleman is simply describing what we have been going through for the last 10, 15 years: litigation, difference of opinion. In the meantime, look at what is happening to our forests: infestation, forest fires out of control.

What I hear the gentleman describing is what we have been doing. Let us try to make it work a little better, and that is what we are trying to do with the new regulations.

Mr. UDALL of New Mexico. Mr. Chairman, reclaiming my time, my point was that if we had been doing the planning for 100 years and if we had had science, we would not be where we are today.

Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member on the Committee on Resources. He knows these forest issues very well, and I appreciate his help on this.

□ 1815

Mr. RAHALL. Mr. Chairman, I rise in strong support of the gentleman's amendment. He has eloquently described the effort here, as well as has the ranking member, the gentleman from Washington (Mr. DICKS), a gentleman who does not get up on every amendment which has been offered today, but he has spoken strongly in favor of the amendment of the gentleman from New Mexico.

I remind my colleagues regarding a letter cosigned by the gentleman from Michigan (Mr. DINGELL) and myself and some 100 other Members of the House to the President in March of this year. We wrote expressing our deep concern with the scope and the breadth of the initiatives undertaken by this administration. The cumulative effect of all of these proposals are to undermine or eliminate open decisionmaking, as we have already heard today, to eliminate accountability, eliminate resource protection, and limit opportunities for public and scientific input as well.

On November 27, 2002, this administration proposed a NFMA planning role that renders the public process virtually meaningless, and that is what this amendment attempts to restore, public input and protection of our resources so every area is not just opened up for willy-nilly use or multiple use of our forest lands.

I urge adoption of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I want to bring to Members' attention, and we have heard quite a few things from the other side of the aisle about all the scientists and sportsmen and everybody else who has engaged in this battle, and it is a very important battle, but I would like to read a letter addressed to the Secretary of Agriculture, Ms. Veneman, dated April 11, 2001.

It says, ''The National Forest System supports a diverse array of forest and rangeland ecosystems and provides useful products, unparalleled recreational opportunities and other important amenities. Today, the ability of the Forest Service to conserve and enhance these attributes is increasingly compromised by obstructionist administration appeals and legal challenges of proposed agency actions.''

And the letter goes on to say scrap the 2000 and let us deal with a system that actually works.

What we have heard from the gentleman from Washington, which I am in shock and awe that he would suggest that we stay with the status quo, as well as the gentleman from New Mexico, the proponent of this amendment, is they want a continuation of the same scientists that, in the gentleman from Washington's own State, 12 agency scientists got together in the Wenatchee National Forest and they said we have a great plan, let us put out a bunch of phony science here so we can lock up thousands of acres, put thousands of people out of work, maybe close down a few communities.

I am sure the gentleman remembers the incident in Wenatchee National Forest where the scientists were looking for Canadian lynx. They could not find any, so they took little sticky pads, as is the normal scientific method, and placed them in the forest at rub areas and scratch areas so they could recognize or perhaps ascertain whether or not the lynx were there.

The scientists could not find any. So what did they do? This is the science that they want to protect, the very scientists that these victims want to protect. So they go into the lab and they have a stuffed lynx in there from God knows where, and so they take hair off of it and they run around in the forest and put this hair on these little sticky pads and write a report that says obviously the lynx are there, and so now we have scientific data and scientific evidence to shut down this area from any kind of human activity, including the people who want to live and work in that area.

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

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

Mr. DICKS. Mr. Chairman, the gentleman knows I would never support that kind of science under any circumstances.

Mr. OTTER. Is that not the status quo?

Mr. DICKS. No, it is not. That was condemned by everybody on both sides of the aisle.

Mr. OTTER. Mr. Chairman, reclaiming my time, I would conclude by saying we got no support from the gentleman from New Mexico or the gentleman from Washington when we wanted to take those scientists to task. What happened to them, they were sent to sensitivity schools and told not to do that again. I suggest that we send this legislation to the same place.

Mr. DICKS. Mr. Chairman, I yield myself 30 seconds.

We support scientifically credible science. We do not support people who go out with some kind of a vendetta. I just think we should not try to make this so vitriolic.

I have been through what has happened in the Northwest. There is one thing I learned, if it is not scientifically credible or legally defensible, you are not going to go very far. So if one thinks these plans are going to hold up once you get the Endangered Species Act in place, Members are making a big mistake. It is better to do these things scientifically credible in the first instance.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO), a long-standing member of the Committee on the Resources.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized for 2½ minutes.

Mr. DEFAZIO. Mr. Chairman, I was sitting in my office watching this debate. I participated earlier, and I was

going to participate later, and I was not going to participate on this amendment until I was insulted and the memories of young people from my district were insulted by the gentleman from Minnesota. To try and purport that the National Forest Management Act had anything to do with the death of those kids is outrageous.

Mr. Chairman, where is the money for the firefighting? The other side has not adequately funded it. Where is the money for the fuels reduction? It is not in the budget. The other side has passed a so-called healthy forest bill that does not have one penny, not one red cent in it for fuels reduction.

The other side wants to pretend this stuff can be done on the cheap so they can give money in tax cuts to the wealthy people. Those kids died protecting their property.

Mr. Chairman, it does not have to do with the National Forest Management Act, and Members know. Put up the money to fight the fires. Put up the money to do the fuels reduction and stop screwing around with the public process. That is what is being done here. The target here is not to get rid of the brush. We have a 6 billion board foot backlog of commercial thinning in the Pacific Northwest that the Forest Service does not have the money to fund; 6 billion board feet. That could put one heck of a lot of people to work for one heck of a long time.

But the other side will not fund it because what is the real target here, the target here is the little bit of the remaining old growth. That is why they want to change the rules. Not to get the brush or fuels reduction or deal with the 6 billion board foot backlog of thinning but to go into these forests and cut the last remaining valuable old growth trees, the only trees that happen to be fire resistant, the only trees that should be left behind when foresters go through and remove the rest of the junk from 100 years of forest mismanagement.

And, yes, Democrat and Republican administrations alike are responsible for forest mismanagement. But to perpetuate it now and to perpetuate it under a myth that somehow it will not cost a penny to undo 100 years of mismanagement, that somehow you are going to go in and do the thinning, that somehow you are going to go in and do the brush removal and the fuels reduction and it will not cost a cent, the only way to do that is to take out the most valuable trees at the same time, which means you do not leave what every credible fire ecologist and scientist says needs to be left in fire-prone forests and which would take us back to presettlement conditions and premismanagement conditions, the old growth. Do not do this by disrespecting the young people from my district and other people in the West who died fighting these fires.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, let me say that the gentleman from Washington has incredible experience with forest issues; and I believe he was right on when he said do not cut the scientists out of the process or we are not going to have very good forest planning. That is what we are about here today, these regulations cutting scientists out of the process.

Members talk about sound science, but when it comes to this administration, the science was thrown out of the window.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman from Minnesota (Mr. GUTKNECHT) who spoke earlier, and I agree with him, we have lost lives and we have lost forests because we have had years and years and years of delay rather than trying to address this subject, and that is what these resolutions are trying to do.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO) to close.

Mr. POMBO. Mr. Chairman, I know that our colleagues that are watching this debate who may not have invested as much time on these issues as those of us that are on the floor are probably really confused right now. Because I heard the gentleman from Washington give a very impassioned description of what we need in the process of doing forest planning and I believe an accurate description.

If that is what the Udall amendment did, I would vote for it in a second; and I would get our guys to vote for it. Unfortunately, that has nothing to do with the amendment that is on the floor. The amendment on the floor is to take us back to an old, broken system and not move forward. What we are doing right now is what is wrong. It is the process that we currently have in place that has led us to an unmanaged forest that has resulted in catastrophic fire. It is the process that is in place right now that has led us into these endangered species fights. It is the process that is in place right now which has caused the problem. Why Members want to stay with that process instead of moving forward is beyond me.

I would like to read from a letter that I received from the Secretary of Agriculture, Ann Veneman. In part it states, ''The Forest Service is required by law to revise land management plans for national forests and grasslands every 15 years. To satisfy this requirement, the agency needs to complete 92 plan revisions in the next 10 years. The Forest Service estimates that it spends over $100 million a year on plan revisions using regulations adopted in 1979 and slightly revised in 1982.'' $100 million a year.

I do not think that I have to scream to get this across, but when we talk about using money for better purposes, spending $100 million a year is outrageous.

It further says, ''In addition, an internal study by professional planners in the Forest Service concluded that the 2000 regulations were unimplementable, primarily because of the expansive and detailed process requirements in the regulations, the large amount of data needed to meet these requirements, and the lack of personnel with scarce and specialized skills.''

So not only do Members want to continue doing what we are doing now but also force the Forest Service to spend more money putting these plans together in order to meet the 11th hour regulations put in place by the previous administration.

It continues, ''In short, the 2000 planning regulations would make the already unreasonable procedures and costs associated with the 1982 regulations worse instead of better.''

I would further like to read from a letter of the Society of American Foresters, ''The forest planning process is crucial to establishing the goals and objectives for each national forest unit. It involves extensive public involvement, analysis, and local decision-making. Without clear direction through regulations, the agency's time and resources will continue to be tied up in the planning process, instead of management activities such as hazardous fuels reduction and forest health restoration work.''

□ 1830

We have also heard a lot about wildlife. The wildlife organizations that oppose this amendment include the Boone & Crockett Club, Buckmasters American Deer Foundation, Campfire Club, the Congressional Sportsmen's Foundation, Conservation Force, Foundation for North American Wild Sheep, International Association of Fish and Wildlife Agencies, International Hunter Education, National Trappers, National Wild Turkey Federation, Pheasants Forever, Quail Unlimited, and on and on.

This is not about wildlife. This is not about science. This is not about public participation. This is about protecting the system that is in place right now. Many of the folks that have come to the floor today to support this amendment are the exact same people who opposed the healthy forests initiative. They are the exact same people who did not want to move forward in terms of protecting our forests from catastrophic fire. They are the same people who proposed putting these regulations in place at the end of the previous administration. What we currently have is a problem. It has led us to the point where we are now. The system is broken. We need to fix it. Vote against the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on

the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOLT:

At the end of the bill (before the short title) insert the following section:

SEC. 3___. None of the funds made available in this Act may be used to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, except in accordance with National Park Service One-Year Delay Rule published November 18, 2002 (36 CFR part 7, RIN 1024–AD06).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. HOLT) will control 15 minutes, the gentleman from North Carolina (Mr. TAYLOR) will control 25 minutes, and the gentleman from Washington (Mr. DICKS) will control 10 minutes.

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

Mr. HOLT. Mr. Chairman, I yield myself 4 minutes.

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

Mr. HOLT. Mr. Chairman, Yellowstone Park, our first national park, our premier national park, a symbol of America, is being loved to death. My colleagues and I today are offering this amendment to protect Yellowstone and Grand Teton parks, some of our Nation's most valuable treasures. The Park Service which is charged with protecting the natural resources of the parks unimpaired for the enjoyment of current and future generations has studied the state of these parks. In Yellowstone Park, they have determined that the use of snowmobiles is the principal insult to the park, an insult that can be corrected. What they say is that phasing out of snowmobile use in Yellowstone and Grand Teton is the best way to protect the parks, better than other alternatives, better than requiring new snowmobiles, better than requiring guided snowmobile tours, better than a cap on the number of machines entering the park daily. Snowmobiles produce significantly more noise and pollution than cars, presenting a health hazard to park rangers, to visitors and obscuring the visibility even around Old Faithful. Having been there myself in winter, I can tell you that snowmobile noise is clearly audible through much of the park most of the time, disturbing wildlife and disrupting visitors' experiences.

The Park Service in November 2000 issued an environmental impact statement that was the culmination of nearly 10 years of study. The statement said: ''Based on reduced impacts to human health and safety, to air quality, visitor access, the natural soundscape and to wildlife, the National Park Service has identified the snowmobile phaseout as the environmentally preferred alternative.''

The Bush administration did not like this conclusion. So they told the Park Service to study it again and issue another report, which they did, publishing a new environmental impact statement in February of this year. This time they considered the impacts of the administration's proposal to look at new machines, the four-cycle machines, and to cap the number of snowmobiles entering Yellowstone and Grand Teton. They came to the previous conclusion. The statement now reads: ''The snowmobile phaseout best attains the widest range of beneficial uses of the environment without degradation and risk of health or safety.''

Last month, the Environmental Protection Agency weighed in as well. Not only did they uphold the Park Service's conclusion that a phaseout would be best for the parks and for the visitors, they actually found that the Park Service had underestimated the impact of snowmobile emissions under the administration's proposal. For no good reason, Mr. Chairman, the Interior Department wants to roll back a regulation based on 10 years of careful study. They are the ones trying to undo the existing snowmobile phaseout. We are here to uphold what the Park Service has determined to be best for the parks.

Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), who has studied this and experienced it firsthand.

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

Mr. Chairman, I am here today to support the Holt-Rahall amendment that would phase out the use of snowmobiles in Yellowstone and Grand Teton National parks. These parks have a special place in my heart as they have in the hearts of most Americans. I have frequently visited Grand Teton and Yellowstone Park during the summer months, probably visiting Yellowstone 10 times during my life. It is a beautiful park, as all Americans know. It is a grand and wonderful place, our first national park. But because of the concerns I heard about snowmobile use in the winter, I visited the park this past winter with the gentleman from New Jersey and the gentleman from West Virginia, because I could not believe that things were quite as bad as I heard. In fact, I found that they are worse.

The use of snowmobiles in Yellowstone has all of the negative impacts that the gentleman from New Jersey has described, of noise pollution, air pollution, the harassment of animals, the impact on the habitat. I was completely overwhelmed by the amount of noise that these machines generate. But what I did not understand was that government policy is to virtually require the use of snowmobiles. I thought this problem was because of some recreational use in Yellowstone during the wintertime. That shows you what an Easterner maybe does not understand about Western winters. There is a lot of snow out there, and they do not pave the roads so that cars can ride into Old Faithful or around Yellowstone. They groom the roads with the snow on it and pack it down for the use of snowmobiles. Snowmobiles are the preferred and only way to travel around Yellowstone unless you use a snow coach, a larger-tracked vehicle that can carry 10 or 15 people.

So the government policy is to use snowmobiles. Therefore, we are responsible for what is happening there. The reality is that the Holt-Rahall amendment is not about banning snowmobiles. It is about protecting Yellowstone. It is about protecting it from the invasion of these machines in the wintertime that pollute, that disrupt because of noise, disrupt because of harassment.

We see this picture of one of the groomed roads with some of the bison in the Yellowstone herd with even more of a machine herd coming behind them, the people that are using the snowmobiles to travel. I am sure snowmobiles are a lot of fun to ride. I have, in fact, ridden them in the East. I understand the appeal. But this is not about snowmobiles. We have an obligation to protect Yellowstone. We have an obligation to make sure we stop practices that are hurting Yellowstone. We have stopped allowing tourists to chip off parts of the formations there. We keep them out of the geyser basins so that there will not be damage to the natural beauty or harm to the visitors. We have stopped certain things from happening in Yellowstone and in Grand Teton because we want to protect the natural beauty and protect those parks for the future. Under the same thinking, we have to phase out snowmobiles in order to protect the park.

The three of us visited the entrance to the park on a Saturday morning. The pollution, the smoke, the haze was extraordinary. The noise was disruptive. No matter where we went in the park, we could hear the noise of the snowmobiles. The advocates of the current use say that modern technology is improving the situation, that the four-stroke technology of the new machines gets rid of the problems that the old two-stroke machines were causing. That simply is not the case. The four-stroke machines are noisy. They pollute.

The answer here is to phase out snowmobiles, promote the use of snow coaches. The government could purchase a fleet or help develop a fleet of snow coaches that could be leased by the government to the private sector that now represents snowmobiles. The private sector could take the responsibility for putting the visitors into those snow coaches, could charge for that, could make money, the economies of the surrounding areas would

stay strong, and yet we would have done a major benefit for Yellowstone by outlawing the snowmobiles, protecting the environment and living up to our obligations to be good stewards of Yellowstone and Grand Teton for our children and our grandchildren to enjoy.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment. In the beginning, there was no limit to snowmobiles in these parks. In the last days of the Clinton administration, the administration barred all snowmobiles from the parks. Clearly, people live in the parks and this was not acceptable, emergency purposes. We had to come up with a program that would be reasonable, and I think this plan that is in place or will be in place is a balanced approach that addresses air quality, noise, wildlife, and safety concerns while continuing to allow the American public access to enjoy the parks during the winter months.

For the first time, a strict daily limit will be placed on the number of vehicles, and the snowmobiles must achieve at least a 90 percent reduction in hydrocarbons and a 70 percent reduction in carbon monoxide compared to conventional two-stroke engines. We now have four-stroke engines.

The sound question is that no more than 73 decibels of sound, a five-decibel reduction, has been put in place and 80 percent of the snowmobiles will be commercially guided. We have tried to reach a balanced plan that I think is reasonable. I urge a ''no'' vote on this amendment.

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

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this amendment. There was a very important letter written on May 20, 2003, by George B. Hartzog, National Park Service director, 1964 to 1972; Nathaniel Reed, Assistant Secretary of the Interior, 1971 to 1976; Russ Dickenson, National Park Service director, 1980 to 1985; Denis Galvin, National Park Service deputy director, 1985 to 1989, 1998 to 2002; Roger Kennedy, National Park Service director, 1993 to 1997; Robert Stanton, National Park Service director, 1997 to 2001; Michael Finley, Yellowstone National Park superintendent, 1994 to 2001; and Robert D. Barbee, Yellowstone National Park superintendent, 1983 to 1994.

This letter is to Secretary Norton. It says:

''It has been our privilege collectively to serve nine Presidents as stewards of America's national parks. For each of us, this experience underscored the pride and joy that Americans feel for their common heritage and their desire to have national parks vigorously preserved for their grandchildren. In this spirit, we write to you about a final decision that is before you regarding snowmobile use in Yellowstone National Park. There can be no doubt that this decision is a defining moment for America's national parks. The choice over snowmobile use in Yellowstone is a choice between upholding the founding principle of our national parks, stewardship on behalf of all visitors and future generations, or catering to a special interest in a manner that would damage Yellowstone's resources and threaten public health.

''The latter choice would set an entirely new course for America's national parks. It is our deep hope as this issue now moves to your final review that you will ensure the highest protection for Yellowstone. To do otherwise would be a radical departure from the Interior Department's stewardship mission. Yellowstone is an irreplaceable national treasure, a symbol of our country and a gathering place where Americans feel justifiably proud that our country led the world by establishing its first national park.

□ 1845

''A decision made on behalf of the snowmobile industry and not for Yellowstone's environment and general public would be wrong.

''On many occasions President Bush has made laudable pledges that members of his administration will always be fully accountable to the public. In keeping with this, we are mindful of your assertions regarding snowmobile use in Yellowstone. They are as important today as they were when you made them.

''Two years ago the Interior Department directed that a supplemental'' EIS ''be undertaken so that additional information and wider public involvement could be brought to bear in making the best possible decision about Yellowstone's future. The Department asserted that this information would be essential to a sound decision.

''On the basis of the new data, the National Park Service verified that phasing out snowmobile use would provide the best protection of Yellowstone's environment and the health of employees and visitors. The study concluded that ending snowmobile use while providing visitors access on snowcoaches 'best preserves the unique historic, cultural, and natural resources associated with Yellowstone and Grand Teton National Parks' and would 'attain the widest range of beneficial uses of the environment without degradation and risk of health and safety.' Final Supplemental'' EIS ''February, 2003.

''We hope that you will now embrace the central conclusion of a study that your Department asserted to the American people would shape a better decision. To ignore its conclusion would clearly be to accept avoidable risks to health and safety, a narrower range of beneficial uses, and weaker preservation of Yellowstone and Grand Teton National Parks.

''Your department also called for wider public involvement, and the call was unquestionably answered. More Americans submitted comments to the National Park Service than the agency has received on any single issue in its 87-year history. While the volume of comment was unprecedented, its reflection of public opinion was consistent with previous comment periods over the past several years. By a four-to-one margin, Americans urged you to give Yellowstone the best possible protection and said they believe, as the National Park Service has confirmed, that this means replacing snowmobiles with snowcoaches. We hope after calling for public comment, you will heed, not ignore, what the public has told you.

''Clearly we are in economic and budgetary times that require us to be scrupulous with every tax dollar. This is another reason why we urge you to adopt a phaseout of snowmobile use. Your study demonstrated that continuing snowmobile use in Yellowstone would result not only in higher levels of air and noise pollution, harm to wildlife, and risks for employee and visitor health; it would also cost taxpayers $1.3 million more each year than replacing snowmobiles with snowcoaches. Surely you will not ask the American taxpayer to pay more for less protection, an annual transfer payment to the snowmobile industry subsidizing ongoing damage to Yellowstone.

''We would be remiss if we did not emphasize one final point. Yellowstone's wintertime struggles with pollution, noise, and traffic congestion fit into a larger context. Throughout the National Park System we have been striving for years to develop more efficient transportation systems so that the visitor's national park experience can be defined by each park's special attributes and not by negative aspects of traffic that most visitors hope to leave at home.

''Zion National Park is an excellent example of the success and popularity of this strategy. Where automobile traffic had clogged Zion's once quiet canyons and the visitors' experience were being defined by noise, exhaust, and frustrations finding parking, the Park Service substituted shuttle bus access. This change boosted gateway business, earned accolades from visitors who today are enjoying a better park experience, and reduced impacts to Zion's resources.

''In Yellowstone the supplemental study that you requested has demonstrated that replacing snowmobiles with an efficient system of snowcoaches would bring similar benefits. In fact, with wildlife under stress from Yellowstone's deep snows, frigid temperatures, and employees and visitors breathing snowmobile fumes often trapped by the park's inversions, the benefits of reducing traffic and emissions would be even greater than they have been in Zion.

''In summary, we join as former public stewards of America's national

parks in urging you to place Yellowstone National Park back on a path that gives the highest priority to protecting its natural qualities for today's visitors and future generations. To do otherwise would ignore sound science, the public will, and responsibility to taxpayers; and, worst of all, it would erode a precious gift that this country gave itself and the world, a gift that will only become more valuable to our Nation as our population grows.''

So if these eight people representing a cross-section of our American political life who have served in the parks on a bipartisan basis over the last 40 years can come together, certainly I hope that our House can come together tonight in support of the Holt amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Montana (Mr. REHBERG).

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

Smoke is being blown in the United States Congress. In fact, more smoke than is being blown by the snowmobiles in Yellowstone Park. I share with the Members what a dear colleague, the gentleman from New Jersey sent out, showing a picture of a park ranger with a gas mask. I will now share with the members the words from the environmental impact statement from the Governor of the State of Montana, who was charged with the responsibility of clean air violations.

''It is important to note that, despite public perception to the contrary,'' and the perception trying to be created on this House floor today, ''the West Yellowstone interest has not recorded any violation of State or national air quality standards during the past four winter seasons.''

There is a reason we established dude ranches in Montana, because a lot of dudes like to come out and they do not know which end of a horse to jump up on.

I spent every weekend in Yellowstone Park growing up. I can honestly tell the Members the impact on the park is minimal. It is 2.2 million acres. The snowmobiles are required to stay on the minimum amount of land available to them, which is the roads. It is ironic that the sponsor of the amendment would say the best alternative is no human interaction. Frankly, if they did not want human involvement in Yellowstone Park, they are about 100 years too late.

Snowcoaches as the preferred alternative by the Clinton administration? Have you been down there? Have you listened to the snowcoaches? They are the noisiest, loudest, smelliest way of transporting oneself around the park. In fact, they do not even make enough snowcoaches to deal with the volume of people that would like to go in. The economic impact alone is incredible, $33 million a year lost to West Yellowstone.

We have spent a lot of time studying this issue. We have spent a lot of time having hearings, letting people look us in the eye and say, ''I am going to lose my job if you phase out snowmobiles.'' This amendment does not give them that opportunity. No guts in this House.

Give these people an opportunity to look these people in the eye and say, I am the one whose family is going to lose their way of making a living, making a living that was encouraged by this Federal Government. Please establish yourself in the gateway communities around the park so that we do not have to build those facilities in the park. Allow an opportunity to create the business and an economy outside the park, and now we are going to pull the rug out from under them. It does not make any sense to me.

Visitor access, multiple use. There is a way of dealing with this. And in fact, the snowmobile industry has stepped forward. They are saying, yes, we understand. Two-stroke engines are smelly and create too much emissions. They now have four-stroke. Have you been there? Have you listened to them? One can stand next to a snowmobile and not even hear it run, and one cannot smell it. They are quiet. They have worked real hard at creating an opportunity to move the snowmobiles around.

Let me tell the Members what we are talking about here. Under our plan, there will only be 50 individual snowmobiles allowed through the north entrance, 250 through the south entrance, 100 in the east entrance, and 550 in the west entrance. That is not many individual snowmobiles. We have done everything we can to try to create the opportunity of a quality involvement in our national park system. This does nothing more than pull that consensus-building process out from under our ability to have a good economy, to have a good park experience, and understand that the park was created for enjoyment. These machines do not create the kind of damage that they are trying to blow smoke up our skirts with by putting this kind of garbage out. It is not true. Vote against this amendment.

Mr. HOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. DICKS. Mr. Chairman, I yield 15 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentlemen for yielding me this time.

I want to quickly make a comment in reference to the gentleman from Montana (Mr. REHBERG) and praise him for all his efforts to deal with this issue I think in a very comprehensive, competent way.

I come to the floor on this issue from a slightly different perspective. I am from Maryland, not from out West. I have lived and worked in the Rocky Mountains. I have ridden snowmobiles in National Forest in the Rocky Mountains. I have had some experience in the wintertime in pretty cold places, spent the winter of 1966 in a tent 250 miles north of the Arctic Circle in Norwood, a number of experiences.

But what I want to do is make a comparison between the Chesapeake Bay and Yellowstone Park. The Chesapeake Bay is a beautiful estuary. We are working hard to restore it. But the Chesapeake Bay in some sense like Yellowstone is being loved to death by too many people. In the Chesapeake Bay, it is not snowmobiles. It is motorboats.

In the Chesapeake, if we want to bring back the oysters, which are 99 percent less than what they were 100 years ago; if we want to bring the crabs, which are 50 percent of what they were 50 years ago; if we want to bring back the rockfish, they need certain areas to spawn, they need certain areas to survive. And, yes, we can have motorboats in the Chesapeake Bay, but what we are trying to do is to limit those motorboat activities to certain areas where they do not have interaction with spawning areas or critical wildlife habitat.

In the Chesapeake Bay we are looking at this issue, this motorboat human activity issue, with three things: respect, responsibility, and dignity for the bounty of God's creation. And in this issue of snowmobiles in Yellowstone, there are still about I am told, and correct me if I am wrong, in the three-State area, 13,000 miles of access that will not be impacted at all from snowmobiles. What we are talking about here is about 180 miles of snowmobile access right in Yellowstone.

So it is a difference of opinion. I think people on both sides of the issue, the gentleman from Montana, the gentleman from New Jersey, both gentlemen are trying to do what they feel is right for the pristine beauty of certain wonderful places in the United States; and I will tell the Members to vote their conscience on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, the decision to ban snowmobiles from the roads of Yellowstone and Grand Teton National Parks is based on politics, not on facts and not on laws. This rule was published just 2 days after President Bush was sworn into office. Much like the roadless rule, this decision was predetermined and more about getting President Clinton in the extreme environmental hall of fame than establishing good public policy. It was one of many sad last-ditch efforts to polish the tarnished Clinton legacy.

Predetermining the outcome was an obvious violation of the National Environmental Policy Act, or NEPA, and was well-documented in the lawsuit filed by the State of Wyoming. The Babbitt administration and the Clinton administration rushed to force the snowmobile ban, leaving public tours

only to be taken by snowcoaches rather than snowmobiles.

What is a snowcoach? It sounds warm and fuzzy and friendly. A snowcoach is a modified sports utility vehicle, a bus or a van, in which the wheels and the drive line are modified to use a track system similar to those used on old Army tanks. We have one here.

Notice the bison and how apparently the bison are not bothered by interaction with man. And, by the way, the road we are looking at is the same road that snowmobiles would go on. So it is not going to answer the problem that the gentleman from Pennsylvania (Mr. HOEFFEL) mentioned about buffalo going down the road. The roads will still be there.

□ 1900

These vehicles, here is another one, get 2 to 4 miles per gallon; and believe me, I have been on them and they are noisy. They travel the exact same roads snowmobiles and cars do, and their air emissions are worse than the new generations of snowmobiles by far.

I have been in Congress a long time, but this is the first time I have had environmentalists advocate for more SUVs in Yellowstone National Park or any national parks. It is also the first time I have ever heard of environmentalists saying that the use of tank-like vehicles is good for wildlife or the environment.

Let us be honest in this debate. Let us not pretend that preventing the use of snowmobiles will remove all human-wildlife interaction. Bison jams will still happen, just as they do in the summer months, when 1.7 million cars drive through Yellowstone National Park. These bison do not seem overly concerned whether a snowcoach or a snowmobile is in the road.

In Babbitt's rush to illegally force a snowmobile ban through the regulatory process, the air emissions statistics of snowcoaches were actually trumped up to show that they were more environmentally friendly than new generation snowmobiles. In fact, the National Park Service study understated carbon monoxide emissions for snowmobiles by a factor of 50 percent, because they used emission factors for light trucks with wheels on paved roads to calculate potential air-quality impacts, rather than testing the vehicles after converted to track systems and run on a snow-covered road.

Yellowstone National Park was created in 1872, as has been stated before, with the dual purpose of conserving its unique resources and providing a recreation area ''for the benefit and enjoyment of the American people.''

No damage has ever been done to the parks by the 65,000 snowmobiles which enter the parks each winter nor the 1.7 million cars that enter in the summer months on the same roads. Snowmobiles have never caused a violation of our current environmental laws, and air quality will only improve under the guideline advanced by the National Park Service.

The new generation 4-stroke engines are much quieter and cleaner than the older models. They are wildlife friendly, and they allow for an enjoyable trip through the park for all the visitors.

The new plan put forth by the National Park Service provides a good balance for continued snowmobile and snowcoach use, while still preserving the health of our national parks and the wildlife.

Oppose the Holt anti-snowmobiling amendment. And remember, we do not want more SUVs retrofitted to look like tanks driving through our national parks.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of this amendment by the gentleman from New Jersey. What the bill seeks to do, as many have already stated, is to overturn two comprehensive studies about the harm that snowmobiles do to the park. The fact of the matter is that those decisions were made in an arbitrary fashion. While they identified the least environmentally damaging alternative, they chose not to take it. They chose not to take it because their intent from the very beginning was to overturn the rule and to provide access for the snowmobiles. Not only did they provide access, but they increased the level of access.

The fact of the matter is the National Park Service has made its finding that these impair and harm the parks. They cause harm to the individuals who are working in the park at that time. We ought not to overturn that.

To bring up these coaches from the 1950s is not to deal with the issue in an honest fashion. The fact is that there are new coaches that were on order, they have been put on hold because of the change in the rules, and we ought to protect the parks by bringing people in to enjoy the parks, to see the parks, to experience the parks, but do it in a manner which is environmentally compatible with the best interests of the parks.

That is the fiduciary relationship that the Secretary of the Interior has on behalf of the parks and on behalf of the American people. It is not to introduce this source of pollution in an unlimited fashion.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, as the chairman of the Committee on Small Business, it was my opportunity to hold a field hearing for the purpose of gaining the actual facts as to what would happen economically to the people of West Yellowstone, Montana. Mr. Chairman, 1,100 people in the town would suffer a $33 million hit from the snowmobile ban.

Why would there be such an effect? Yellowstone National Park is the attraction, not a nearby national forest. Some encourage snowmobilers to redirect their enthusiasm for the sport to nearby national forest land. However, most wintertime visitors at Yellowstone who come from other parts of the country could recreate much closer to home, and they choose to come to Yellowstone because of its unique features. The amendment that is offered is similar to if the Park Service still allowed people to visit the Statue of Liberty in New York Harbor, but suspended ferry service because of concern over water quality, forcing people to row, canoe, or swim to Liberty Island and still expect the same number of people to visit the Statue of Liberty.

The production and use of snowmobiles, if you are interested in an economic recovery, is a $7 billion industry in this country. It creates roughly 75,000 jobs. We are struggling with the highest national unemployment rate in nearly a decade, and if this amendment goes through, it will result in thousands of people losing their jobs in the manufacturing sector, including the people that I represent in Rockford, Illinois, who are at 11 percent unemployment because of the huge hit on manufacturing. And I wonder if the people who want to eliminate snowmobiling in West Yellowstone Park think anything about the manufacturing workers who are struggling to keep their jobs, but they keep their jobs making snowmobile parts.

I was there at West Yellowstone Park. I got on one of these machines. In fact, I asked the owner of the machine to turn it on. He said, Congressman, the machine is already on. It was a new 4-stroke machine. Extremely quiet, Mr. Chairman; and there was no smoke. I said, would you turn on a 2-stroke machine, the old snowmobile machine. He turned it on, and the smoke is belching out of there and there is blue smoke, all kinds of noise. That is old technology. That is gone forever. Because the rules say, use the 4-cycle machine because it is whisper quiet.

I rode that snowmobile along with my wife, who is a biologist and who understands the environment. We came within 20 feet of an eagle and he just looked at us. We came within 10 feet of a bison; he just looked at us. And a fox came down the road just looking around. Do my colleagues know what happened? As we were in this trail of snowmobiles, as we got to those beautiful animals, the leader raised his arm, almost in reverence, as to the beautiful environment and the animals that were there so we could see them closely and firsthand.

This is new technology. There is no smoke. There is no noise. These are people who want to go to the park and examine and see nature as opposed to being in those terrible coaches that make all kinds of noise and make all kinds of tracks, and you cannot even

see. In fact, it was very quiet on that snowmobile trail until such time as one of those snowcoaches came along.

But there is more to it than that. It is that the 15 to 20 percent drop in recreation would literally destroy the school system of Vermillion, South Dakota, which is where some of these snowmobiles are made. We have to think about the economic impact of such a harsh decision just to ban something. It would put Vermillion, South Dakota, in tremendous distress. And all across the Nation, communities that depend upon taxes from the snowmobile industry would be tremendously impacted. That is what this is about.

Mr. Chairman, what this is about is a reasonable rule that the National Park Service developed for the purpose of allowing people of this country and people from around the world to come and visit the natural and pristine beauty of West Yellowstone Park. This is a ''no'' vote. It is a ''no'' vote because it will keep the people employed in West Yellowstone. It is a ''no'' vote because it will keep many people employed in the congressional district that I represent.

Mr. DICKS. Mr. Chairman, I yield my remaining time to the gentleman from New Jersey (Mr. HOLT), so that he may control and yield that time.

Mr. HOLT. Mr. Chairman, I reserve my remaining time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I want to address the issue about what the Holt-Rahall amendment is all about, because I do not believe it is about diminishing wildlife.

As the chart shows here, since the National Park Service began grooming trails in the 1960s, the number of elk and bison have exploded, reaching the park's natural carrying capacity in the mid-1990s and remaining there ever since then. The park animals are breeding like rabbits. They are now leaving the park in search for food. There is no documented peer review science which indicates that snowmobiles are placing any species in Yellowstone at risk.

The Holt amendment is not about wildlife, and it is not about noise. The new 4-stroke machines that will be required under the National Park Service's record of decision are extremely quiet. The snowcoaches which would replace them under the Holt amendment are orders of magnitude louder and would have a noise impact on 17,000 more acres than would be the case under the National Park Service's ROD.

For those who have not had the opportunity to ride in a snowcoach, as the gentlewoman from Wyoming (Mrs. CUBAN) testified, let me assure my colleagues that it is not a pleasant experience. It is a tank, it is loud, it is noisy, and it is uncomfortable. If you ask them, most of those who ride in a snowcoach will tell you that they will not do it again.

The Holt amendment is not about lowering noise, and neither is it about lessening emissions. Compared to machines made just 4 years ago, today's snowmobiles are much cleaner, with particulate matter emissions falling over 95 percent in the past 4 years. In fact, there is no lower particulate matter benefit from banning snowmobiles from Yellowstone, as the chart suggests here.

According to the Southwest Research Institute, the SRI, a nationally recognized testing laboratory that conducts emissions tests for the California Air Resources Board, emissions from snowcoaches are six times as high as that of snowmobiles. With an average occupant load of three to four passengers on a per-occupant basis, emissions from snowcoaches exceed that of new technology snowmobiles. Even assuming a fully loaded snowcoach, emissions are likely to occur under the Holt amendment that are no better than that of six snowmobiles.

The Holt amendment is not about emissions, and neither is it about public health. Even during the days of dirty 2-stroke machines, there has never been a Clean Air Act violation in Yellowstone. With the introduction of new technology machines this winter, the issue of public health becomes a red herring. Based on the EPA's analysis, in the worst-case analysis of the air and the most impacted area of the park, the air in Yellowstone under the ROD will be 10 times cleaner than OSHA standards, 10 times cleaner than the requirements for our workers.

The Holt amendment is not about public health. If the science clearly indicates that the Holt amendment does not result in improvements in noise, emissions, wildlife propagation, or public health, then what is the Holt amendment about?

Mr. Chairman, the Holt amendment is about restricting choice, and it is about limiting public access to our national parks only to those who are able-bodied enough to hike or cross-country ski into Yellowstone National Park during the winter months.

Mr. Chairman, I urge a ''no'' vote on this amendment.

Mr. HOLT. Mr. Chairman, may I ask the Chair the time remaining.

The CHAIRMAN. The gentleman from New Jersey (Mr. HOLT) has 5¾ minutes remaining, after assuming the time of the gentleman from Washington (Mr. DICKS); and the gentleman from North Carolina (Mr. TAYLOR) has 6½ minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Appropriations Subcommittee on Interior, cosponsor of this amendment.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time.

Mr. Chairman, the fight over the use of snowmobiles in Yellowstone National Park has raged on for more than a decade. In the most recent round, the National Park Service found that these machines impair park resources, a finding which required a ban on this activity.

□ 1915

Only days after taking office, President Bush shelved the ban and requested a new environmental assessment of the issue. So 2 years and 2.4 million tax dollars later, the new study came out; and, lo and behold, that study reached the same conclusions. Snowmobiles are bad for Yellowstone.

Not to be deterred by the facts, however, the Bush administration has pursued not a ban but rather increased snowmobile use in the park and is set to issue new rules to implement this policy any day now.

The fact that the administration is allowing public natural resources to be abused of course is not news. Virtually every environmental policy developed by this administration is crafted to benefit one industry or another. However, the Bush snowmobile policy is particularly devastating because it threatens not only Yellowstone's bison and bald eagles but also the entire process of environmental regulation.

To wake up one morning in the Bush White House and decide to toss this policy out the window is not just wrong, it is dangerous. Determining how best to protect the crown jewel of our National Park System is not sandlot football. You just cannot call for a ''do over'' if you do not like the way the game turned out.

Either 78 decibels worth of noise harms wildlife in the park or it does not. Either discharging gasoline and motor oil directly into ground water harms the park or it does not.

These are fundamental scientific questions that were answered through a careful and standardized policy-making process twice, twice. Deciding to change the answers or ignore them will have devastating consequences. If the Bush snowmobile policy stands, it threatens not only the park and its resources but also the public's confidence in our park system, our park service and our entire system of environmental protections.

Like the gentleman from New Jersey (Mr. HOLT) and several of our colleagues, I have visited Yellowstone. During the winter, I have experienced firsthand the devastating effect snowmobiles have on the park. I did not like what I smelled. I did not like what I heard. I did not like what I saw. Indeed, that evening I was having dreams, rather, I should say nightmares, of the Daytona Speedway as I went to bed.

If the administration is not willing to uphold and defend the law, those of us in Congress who love Yellowstone must act. We must act to preserve Yellowstone but also to preserve the faith that the American people have in our stewardship of the national parks. This is not anti-snowmobile. This is pro-Yellowstone. It is pro-protection for one of

the crown jewels of our American park system. I urge support of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time for closing.

Mr. HOLT. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS), the co-sponsor of this amendment.

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

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment. I believe protecting and preserving our environment is one of the most important duties we have as Members of Congress.

Our predecessors understood the preservation of our natural resources was a moral and patriotic obligation. It was their vision and foresight that led to the establishment of the Yellowstone National Park in 1872 owned by all Americans. The creation of our first national park was a farsighted guarantee each generation would inherent a healthy and vibrant Yellowstone.

But, today, the park's health is in jeopardy. On peak days this winter $1,600 snowmobiles entered Yellowstone, generating tremendous noise and pollution.

POINT OF ORDER

Mrs. CUBIN. Mr. Chairman, point of order.

Mr. Chairman, I believe there is a rule against allowing the pictures down there of the person at the stock car races in West Virginia staying on the floor.

The CHAIRMAN. The gentlewoman is correct. Exhibits may not remain on static display in the well.

It is now removed.

The gentleman from Connecticut (Mr. SHAYS) may resume.

Mr. SHAYS. Mr. Chairman, the harm caused by snowmobiles used in Yellowstone have been scientifically proven, studied further and proven yet again. Over the past decade the Park Service, the Environmental Protection Agency and independent experts have conducted extensive studies and always reach the same conclusion: A phaseout of snowmobiles is necessary to restore Yellowstone's health. I hope we take action today to do that.

Mr. Chairman, I rise in support of the Holt-Shays-Rahall-Johnson amendment to protect Yellowstone and Grand Tetons National Parks.

I believe protecting and preserving our environment is one of the most important duties we have as members of Congress. We simply won't have a world to live in if we continue our neglectful ways.

Our predecessors understood the preservation of our natural resources was a moral and patriotic obligation. It was their vision and foresight that led to the establishment of Yellowstone National Park in 1872.

The creation of our first national park was a far-sighted guarantee each new generation would inherit a healthy and vibrant Yellowstone, a park complete with wildlife, majestic vistas and awe-inspiring geysers.

But, today, the park's health is in jeopardy. On peak days this winter, 1,600 snowmobiles entered Yellowstone generating tremendous noise and pollution.

As a result, our park rangers are forced to wear respirators to combat the noxious cloud of blue smoke in which they work and park visitors are rarely free from the roar of snowmobiles.

And even after studying the latest generation of snowmobiles, the Environmental Protection Agency still found that a phase-out of these machines "would provide the best available protection for human health, wildlife, air quality, soundscapes, visibility and visitor experiences."

The harm caused by snowmobile use in Yellowstone has been scientifically proven, studies further, and proven yet again.

Over the past decade, the Park Service, the Environmental Protection Agency, and independent experts have conducted extensive studies and always reached the same conclusion: a phase-out of snowmobiles is necessary to restore Yellowstone's health.

By a 4-to-1 margin, Americans overwhelmingly support protecting Yellowstone by replacing snowmobile use with park-friendly, people-friendly snowcoaches.

This amendment does not restrict winter access to the Park. Rather, it requires visitors to travel in a manner that ensures the integrity of Yellowstone's precious natural resources.

This amendment seeks no more and no less than doing for Yellowstone what the National Park Service, the Environmental Protection Agency and the American people believe is necessary to protect the park.

Let's not waste another minute or another dollar of taxpayer money further studying this issue. Let's put into law a scientifically sound, environmentally safe and fiscally responsible decision that protects our nation's first treasure.

I urge my colleagues to support the Holt-Shays-Rahall-Johnson amendment to protect Yellowstone National Park.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) has indicated he has reserved his time to close.

The gentleman from New Jersey (Mr. HOLT) has 2¼ minutes.

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

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

Mr. Chairman, I restore this picture of the park ranger with the respirator to make the point that this is not a stunt. The Park Service actually issues respirators to its rangers. It is that bad, and they use them.

Now to refer to a couple of points that were made with regard to the economic impact. That was part of these studies, and the Park Service included in the study the economic impact of this phaseout. Now it is worth noting that a few years ago, in 1995–1996, when west entrance visitations decreased by 13 percent over the previous year, resort tax collection increased by almost 10 percent. The point is that preservation of the environment is in the interest of the economy. The National Park Service has determined through extensive studies that phasing out snowmobiles and converting to snowcoaches would have a less than 1 percent effect on the five county economy, and many business owners are saying the protection of the Yellowstone is vital to their economic future.

Mr. Chairman, this has been studied over and over again. Every point that the opponents have raised here has been addressed multiple times. It is worth pointing out what the locals, the local people are saying. Let me refer to a couple of newspapers from Montana.

The Great Falls Tribune says, "Sometimes politics replaces common sense, and it is happening now at Yellowstone Park. It is literally a dirty, stinking shame."

The Helena Independent Record says, "There remains something inherently out of kilter about letting snowmobiles roar through the pristine winter silence. It is not as if the West lacks places outside of Yellowstone."

The Casper, Wyoming, Star Tribune says, "Given the scientific evidence and the data of the degrading effects of snowmobiles, allowing their use in the parks violates the mission given to the National Park Service by Congress to manage the parks in such a manner and by such means as will leave them unimpaired for the enjoyment of current and future generations."

That is what our amendment seeks to do, Mr. Chairman.

MAY 20, 2003.

Hon. GALE NORTON,
U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY NORTON: It has been our privilege collectively to serve nine presidents as stewards of America's national parks. For each of us, this experience underscored the pride and joy that Americans feel for their common heritage and their desire to have national parks vigorously preserved for their grandchildren. In this spirit, we write to you about a final decision that is before you regarding snowmobile use in Yellowstone National Park. There can be no doubt that this decision is a defining moment for America's national parks.

The choice over snowmobile use in Yellowstone is a choice between upholding the founding principle of our national parks—stewardship on behalf of all visitors and future generations—or catering to a special interest in a manner that would damage Yellowstone's resources and threaten public health. The latter choice would set an entirely new course for America's national parks.

It is our deep hope as this issue now moves to your final review that you will ensure the highest protection for Yellowstone. To do otherwise would be a radical departure from the Interior Department's stewardship mission. Yellowstone is an irreplaceable national treasure, a symbol of our country, and a gathering place where Americans feel justifiably proud that our country led the world by establishing its first national park. A decision made on behalf of the snowmobile industry and not for Yellowstone's environment and the general public would be wrong.

On many occasions, President Bush has made laudable pledges that members of his administration will always be fully accountable to the public. In keeping with this, we are mindful of your assertions regarding snowmobile use in Yellowstone; they are as

important today as they were when you made them.

Two years ago, the Interior Department directed that a supplemental environmental study be undertaken so that additional information and wider public involvement could be brought to bear in making the best possible decision about Yellowstone's future. The Department asserted that this information would be essential to a sound decision.

On the basis of the new data, the National Park Service verified that phasing out snowmobile use would provide the best protection of Yellowstone's environment and the health of employees and visitors. The study concluded that ending snowmobile use while providing visitors access on snowcoaches:

''. . . best preserves the unique historic, cultural, and natural resources associated with Yellowstone and Grand Teton National Parks . . .'' and would ''. . . attain the widest range of beneficial uses of the environment without degradation and risk of health and safety.''—Final supplemental Environmental Impact Statement, February 2003.

We hope that you will now embrace the central conclusion of a study that your Department asserted to the American people would shape a better decision. To ignore its conclusion would clearly be to accept avoidable risks to health and safety, a narrower range of beneficial uses, and weaker preservation of Yellowstone and Grand Teton National Parks.

Your Department also called for wider public involvement and the call was unquestionably answered. More Americans submitted comments to the National Park Service than the agency has received on any singe issue in its 87-year history. While the volume of comment was unprecedented, its reflection of public opinion was consistent with previous comment periods over the past several years. By a 4-to-1 margin, Americans urged you to give Yellowstone the best possible protection and said they believe—as the National Park Service has confirmed—that this means replacing snowmobiles with snowcoaches. We hope that after calling for public comment, you will heed, not ignore, what the public has told you.

Clearly we are in economic and budgetary times that require us to be scrupulous with every tax dollar. This is another reason why we urge you to adopt a phaseout of snowmobile use. Your study demonstrated that continuing snowmobile use in Yellowstone would result not only in higher levels of air and noise pollution, harm to wildlife, and risks for employee and visitor health; it would also cost taxpayers $1.3 million more each year than replacing snowmobiles with snowcoaches. Surely you will not ask the American taxpayer to pay more for less protection, an annual transfer payment to the snowmobile industry subsidizing ongoing damage to Yellowstone.

We would be remiss if we did not emphasize one final point. Yellowstone's wintertime struggles with pollution, noise, and traffic congestion fit into a larger context. Throughout the National Park System, we have been striving for years to develop more efficient transportation systems so that the visitor's national park experience can be defined by each park's special attributes and not by negative aspects of traffic that most visitors hope to leave at home.

Zion National Park is an excellent example of the success and popularity of this strategy. Where automobile traffic had clogged Zion's once quiet canyons and the visitor's experience was being defined by noise, exhaust, and frustrations finding parking, the Park Service substituted shuttle bus access. This change boosted gateway business, earned accolades from visitors who today are enjoying a better park experience, and reduced impacts to Zion's resources.

In Yellowstone, the supplemental study that you requested has demonstrated that replacing snowmobiles with an efficient system of snowcoaches would bring similar benefits. In fact, with wildlife under stress from Yellowstone's deep snows and frigid temperatures, and employees and visitors breathing snowmobile fumes often trapped by the park's inversions, the benefits of reducing traffic and emissions would be even greater than they have been in Zion.

In summary, we join as former public stewards of America's national parks in urging you to place Yellowstone National Park back on a path that gives the highest priority to protecting its natural qualities for today's visitors and future generations. To do otherwise would ignore sound science, the public will, and responsibility to taxpayers. And worst of all, it would erode a precious gift that this country gave itself and the world, a gift that will only become more valuable to our nation as our population grows.

Sincerely,

George B. Hartzog, Jr., National Park Service Director (1964–1972); National P. Reed, Assistant Secretary of the Interior (1971–1976); Russell E. Dickenson, National Park Service Director (1980–1985); Denis P. Galvin, National Park Service Deputy Director (1985–1989 and 1998–2002); Roger G. Kennedy, National Park Service Director (1993–1997); Robert Stanton, National Park Service Director (1997–2001); Michael V. Finley, Yellowstone National Park Superintendent (1994–2001); Robert D. Barbee, Yellowstone National Park Superintendent (1983–1994).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO).

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

One of the previous speakers came to the floor and gave a lengthy explanation of this amendment. One of the things that he said was this is not about snowmobiles, and I think it is probably the only thing that he said that I agreed with because I do not believe that this amendment is about snowmobiles.

Over the last several years a number of concerns have been raised over snowmobiles in Yellowstone Park. They included visitor enjoyment, visitor and employee health, safety, air quality, the natural landscape, wildlife. I believe those were very legitimate concerns that were raised. I believe that in the management of this park, that that had gotten out of hand and there were legitimate concerns that had been raised.

The administration responded to that. The industry responded to that. The industry developed quieter, safer, less noisy machines in order to meet the standards. The administration adopted policies which restrict where the snowmobiles can go. It was a balanced approach to managing one of our most important public assets. Striving to reach that balance is where we really should be in terms of policy here.

Unfortunately, there are people who want to take the extreme and say we are just going do ban them altogether. Well, if you are going to ban 65,000 snowmobiles who stay on the public roads in Yellowstone, what about the one and a half million cars? Is that next? Because that is where we are going. When you come to our public assets, our public parks, especially the crown jewels like Yellowstone, it is important that we ensure that the public has access to those crown jewels and that we have the abilities as citizens of this country to enjoy our public lands. And in order to do that we have to reach a balance.

No, we cannot pretend that allowing people into Yellowstone Park has no impact on the environment. It does. No matter how they get there they have an impact on the environment. If you were successful and you ban snowmobiles and ultimately ban cars from Yellowstone Park but you let people walk in, that would have an impact on the environment.

So how do we ensure the greatest number of people have an opportunity to see this park and enjoy it both in the summer and the wintertime with having the least possible impact on the environment? The way that we do that is by adopting a balanced rule, a balanced approach. You can take snowmobiles in, but they have to be quieter, they have to be less polluting, and we are going to restrict you to the roads. And not only that, we will require that you have a guide with you when go into the park, trying to address all of the concerns that have been brought up.

A lot of the debates that you have heard here was about the way it used to be, not about the new rules that were being adopted. This is a balanced approach between having the least possible impact we can on our environment and at the same time allowing public access. That is a reasonable, balanced approach. You cannot continue to defend the extreme. You cannot continue to defend those who want people off public lands. You cannot continue to do that. But that is what we have had over and over today.

I oppose this amendment. I think that the administration has done a fantastic job of listening to people and trying to respond to their concerns. I think it is extremely important that we allow this rule to go forward and we allow the administration to go forward with what has proven to be a very balanced approach and oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

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 by the gentleman from California (Mr. GALLEGLY); amendment No. 4 by the gentleman from West Virginia (Mr. RAHALL); amendment No. 9 by the gentleman from New Mexico (Mr. UDALL); and amendment No. 2 by the gentleman from New Jersey (Mr. HOLT).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. GALLEGLY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GALLEGLY) 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 15-minute vote followed by three 5-minute votes.

The vote was taken by electronic device, and there were—ayes 163, noes 255, not voting 16, as follows:

[Roll No. 382]

AYES—163

Ackerman
Andrews
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Bereuter
Bilirakis
Bishop (NY)
Blumenauer
Bono
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gallegly
Gonzalez
Goss
Greenwood
Grijalva
Harman
Hastings (FL)
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kaptur
Kennedy (RI)
Kilpatrick
Kirk
Kleczka
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McNulty
Meehan
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Pryce (OH)
Regula
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOES—255

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Case
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—16

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Frost
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Peterson (PA)
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1951

Messrs. SOUDER, SANDLIN, MORAN of Kansas, REYES, and LINCOLN DIAZ-BALART of Florida changed their vote from ''aye'' to ''no.''

Mrs. NAPOLITANO, Ms. VELÁZQUEZ, and Messrs. PASCRELL, GONZALEZ, FARR, DOOLEY of California, LARSEN of Washington, BROWN of Ohio, and CONYERS changed their vote from ''no'' to ''aye.''

Ms. MCCOLLUM changed her vote from ''present'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LINCOLN DIAZ-BALART. Mr. Chairman, on rollcall No. 382, due to a technical difficulty, my vote was recorded as a "no." It should have been an "aye."

AMENDMENT NO. 4 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 220, not voting 15, as follows:

[Roll No. 383]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey

Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
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
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
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 (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis, Jo Ann
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2000

Mr. MCINTYRE changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2000

AMENDMENT NO. 9 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) 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 198, noes 222, not voting 14, as follows:

[Roll No. 384]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
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
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Bereuter
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2009

Mrs. NORTHUP changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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 210, not voting 14, as follows:

[Roll No. 385]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
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
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velazquez
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2017

Mr. GIBBONS and Mr. PORTMAN changed their vote from ''aye'' to ''no.''

Mr. ROSS and Mr. TURNER of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. JOHN

Mr. JOHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. JOHN:

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 prosecute any individual for taking migratory birds as described in 20.21(i)(1)(i) of title 50, Code of Federal Regulations, on or over land or water where seeds or grains have been scattered solely as the result of manipulated regrowth of a harvested rice crop.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JOHN) and a Member opposed each will control 5 minutes.

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

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

First, let me thank Ranking Member DICKS and also Chairman TAYLOR for allowing me to offer this amendment. I also want to thank the United States Fish and Wildlife Service for their ongoing cooperation regarding a very important issue to many of my constituents in Louisiana and elsewhere around the country.

Growing up in the coastal marshes of Louisiana, also known as the Sportsman's Paradise, I am a very avid hunter and fisherman. It is a way of life for me and many other people in

the marshes of Louisiana. I am also a very active member of the Congressional Sportsmen's Caucus. Let me begin by clarifying that I adamantly oppose the practice of illegal waterfowl baiting. It is in the best interest of sportsmen, farmers and conservationists to maintain and support a healthy population of our Nation's waterfowl all across the Nation.

At the same time, however, we must also be careful to acknowledge and properly address shortcomings in the current interpretation and sometimes subjective nature of existing Federal regulations. Any misinterpretation of these regulations unintentionally prohibits legal hunting methods. This misunderstanding also prohibits agricultural producers from implementing normal agricultural practices that are essential in the preparation of next year's crops. These practices are in no way intended to bait waterfowl or undermine the Federal regulations.

For the past several years, hunters, farmers and landowners in Louisiana have experienced serious problems determining whether or not what they are doing is abiding by the intent of Federal law. As a result of the unique nature of the growing season in Louisiana and also the unique agricultural process of growing rice, there is a disagreement over what constitutes a harvested rice crop and over what constitutes normal agricultural practices under this Federal regulation.

The gray area that exists in Federal waterfowl baiting regulations may allow for the prosecution of law-abiding rice producers, landowners and hunters under certain conditions. In fact, this past hunting season was an excellent example of the confusion that this regulation causes. Rice producers went about their business of draining and preparing their fields for the winter crop, something we call in Louisiana water buffaloing. It is a practice that is used every year to smooth out the ruts and also to flatten the rice stubble that has been harvested. However, unbeknownst to some of the farmers, some of their normal agricultural practices, this water buffaloing, were actually considered by the U.S. Fish and Wildlife Service game agents to be illegal according to the current Federal regulations. As a result, 2 days before the duck season opened in Louisiana, rumors had spread rampantly all over my district, and I represent the town of Gueydan which is known as the Duck Capital of the World, but 2 days before, the rumors were rampant whether any of the rice fields that were buffaloed by these farmers, whether these hunters were going to be prosecuted and ticketed for hunting over baited fields. Many of the hunters responded by canceling their hunts, their leases; and many of the farmers were needlessly delayed in preparing their rice fields for next year's crop.

Hunting waterfowl in Louisiana, Mr. Chairman, is a very important industry. It is a way of life, it is very important for the local economy, and it is a very popular pastime for the people that visit the Sportsman's Paradise. As things stand right now, Mr. Chairman, many hunters are being intimidated out of leasing lands over this regulation about water buffaloing, even though there is an extremely valid argument that this practice is legal under Federal regulations. When these hunters cancel their leases, Mr. Chairman, not only do they needlessly miss out on a great opportunity of hunting ducks in south Louisiana, but they also take money out of the rural economies of south Louisiana that desperately need the support of a stable hunting industry. This can result in especially tough times for our rice farmers. As we all know, the past few years with the drought, the low prices have really cost the rice farmers a lot.

That being said, I want to withdraw my amendment because of the assurances that I have with the U.S. Fish and Wildlife and also with the staffs on both sides to work out this regulation. But this is an important amendment. I will continue to work towards that end. I want to thank the ranking member and the chairman.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn.

AMENDMENT NO. 16 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. KING of Iowa:

At the end of the bill (before the short title), add the following:

SEC. ___. MISSOURI RIVER MANAGEMENT.

In order for the Corps of Engineers to select revisions to the Missouri River Master Water Control Manual that serve and balance the diverse interests of all river uses, including electric generation hydropower, flood control, navigation, recreation, and environmental protection, and in order to manage those uses under the Annual Operating Plan for the Missouri River, during the formal consultations under the Endangered Species Act of 1973 between the Corps of Engineers and the United States Fish and Wildlife Service regarding a new biological assessment for the Missouri River Master Control Manual, none of the funds made available by this Act shall be used to subject management of the Missouri River to the imposition of any regulatory action under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute.

We have an issue before us here in this Congress. Back in 1952, there was a large flood in the Missouri River that wiped out much of the bottomland and the farms and damaged our cities, Sioux City, Council Bluffs, Omaha, all the way down through. The Pick-Sloan program was established subsequent to that by the United States Congress for these purposes: first, flood control; second, power generation; third, agriculture production; and, fourth, barge traffic. Nothing in the record says it is set aside so that we can accommodate two birds and a fish which enter into this fray.

About 10 years ago, actually it was in October of 1993, I came out here to Washington to a Midwest flood reconstruction and cleanup conference subsequent to our 1993 devastating flood. And there, Molly Beatty, the director of Fish and Wildlife, said, ''Agriculture looks upon this flood as an economic disaster. Frankly, we here at Fish and Wildlife look upon it as habitat rehabilitation.'' That is the day I learned the names of the least tern, the piping plover, and the pallid sturgeon; and that policy is manifested today.

Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of the King-Terry amendment. The long-term effects of reduced water flows on the Missouri River are very serious. In particular, power plants along the river rely on an adequate supply of water to operate, mostly for cooling purposes.

Nebraska's two largest providers of electric power, Omaha Public Power and Nebraska Public Power districts, are strongly opposed to any flow changes to the Corps' 2003 operating plan, and for good reason. Last year, a total of 99 percent of the public power supplied in my district was dependent upon two plants that are dependent upon the Missouri River waters. Reduced flows could cost Nebraska and Iowa power plants tens of millions of dollars and cost the constituents in my district who would have to absorb these costs. Furthermore, drastically reduced river flows could make it nearly impossible for power producers along the river to comply with Federal water laws. Adequate river flows are also necessary for other essential services along the river.

Mr. Chairman, I rise today as a cosponsor of the King-Terry amendment. We offer this legislation to bring some clarity to a confusing legal situation regarding regulation of the Missouri River. This is an important issue for Nebraska and other Missouri River Basin states. Unfortunately, it is also an issue that has pitted region against region, state against state, interest against interest.

Last weekend, a U.S. District Court judge here in Washington, D.C., ordered the U.S. Army Corps of Engineers to reduce the flow of the Missouri River in order to protect three endangered species—the least tern, piping plover and pallid sturgeon. When the Justice department asked the judge for a two-week delay on the order, so that barges could be moved off the river, the request was denied.

Since then, the Corps has determined that the D.C. district court decision is in direct conflict with a June ruling by the Eight Circuit

Court of Appeals, which ordered the Corps to maintain sufficient Missouri River flows for navigation and power generation. The Corps has also stated that its 2003 management plan is based on sound scientific and legal grounds, and has not resulted in any loss of least tern or piping plover this year. As a result, the Corps will not reduce the river's flow.

Corps officials say that reduced flows would have stranded at least 10 barges, including one near Omaha filled with 1,300 tons of fertilizer. Stranded barges pose a serious safety concern, since they could drift downstream, destroying piers, bridge supports and other infrastructure. Worse, they could spill their contents into the river.

The long-term effects of reduced flows are just as serious. In particular, power plants along the river rely on an adequate supply of water to operate—mostly for cooling purposes. Nebraska's two largest providers of electric power—Omaha Public Power and Nebraska Public Power districts—are strongly opposed to any flow changes to the Corps' 2003 Operating Plan. And for good reason. Last year, a total of 99 percent of Omaha Public Power District's generation came from Missouri River-based facilities. Nebraskans depend on these plants for reliable, low-cost electricity.

Reduced flows could cost Nebraska and Iowa power plants tens of millions of dollars. These costs would be directly passed to consumers, as downstream states would be forced to buy out-of-state electricity. Furthermore, drastically reduced river flows could make it nearly impossible for power producers along the river to comply with federal water laws.

Adequate river flows are also necessary for other essential services for river communities—including clean drinking water, proper sewage treatment, and industrial uses. I want to note that my hometown of Omaha has committed millions of dollars to new development on its riverfront. Reduced flows would dry up marinas and leave recreational boaters grounded. A vibrant, flowing river is vital for cities like Omaha and Council Bluffs, as well as every other community along the river.

The Bush Administration has announced that the Corps and the U.S. Fish and Wildlife Service will begin formal consultation next week, as they work on a new Biological Assessment under the Endangered Species Act. In the meantime, constituents in my district, and those of many of my colleagues up and down the Missouri River, need some assurances. The amendment that Mr. King and I together have offered is a temporary provision to ensure the consideration of all interests—including electrical generation, agriculture, water quality, transportation, recreation, and the environment. The legislation would also remove the legal uncertainty created by conflicting court orders, while the Corps and the Fish & Wildlife Service address the important issues.

The Administration has decided to commit an additional $42 million to help restore the Missouri River's ecosystem. I urge the House and our appropriators to work with the Administration, to ensure adequate resources are provided for this priority.

I support the basic objectives of the Endangered Species Act. But it was never intended to overshadow each and every human interest. A balanced approach to managing the Missouri River can be achieved. Rushing to satisfy special interests—without considering all the economic and public safety consequences—is neither responsible nor fair to the taxpayers or those whose livelihoods depend on the river.

Mr. Chairman, the river can be managed in a way that protects wildlife while also promoting the economy of the Midwest and the Plains states. That is the point of our amendment.

I thank the Gentleman from Iowa for yielding.

Mr. REHBERG. Mr. Chairman, I wish to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Montana is recognized for 5 minutes.

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

I do not have a lot of love for the Endangered Species Act. I think that is well known within this Congress. I served on the Endangered Species Act reform committee. I think there are flaws. There are problems. But the difficulty is this is not the way to make changes within the system.

□ 2030

We had a hearing in Billings, Montana, not long ago with the general from the Army Corps of Engineers at which time we said, when are you going to get off the dime and do your job? We have been waiting for 13 years for you to put the master plan back in place. You were supposed to have done it 13 years ago. You have not to this time.

There are problems, and he told us at any given time there are lawsuits being filed by one State or another. At any given time 11 States care and there is a lawsuit ongoing.

I wish the gentleman from South Dakota (Mr. JANKLOW) was here. He was excused for health reasons, but I know I can speak for him. Because between his time when he was governor and governor, he was the attorney filing suit against the Federal Government because they had not gotten the master plan done.

We cannot just ignore recreation upstate, we cannot just ignore the Endangered Species Act, and that is what this amendment does. So while I am willing to work with anybody in this Chamber to change the Endangered Species Act to make it make more sense, they cannot just ignore the judge's ruling of last week saying that there are three species that are endangered. We can, in fact, save those species. We would like to help in Montana. We have got the reservoir to do it, but let us have a master plan. We tell the Corps of Engineers, get their job done. We would not need amendments like this if we had it in place.

We do not need this amendment, and I ask Members to oppose it.

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

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I rise in support of the King amendment.

Actually, there are two conflicting rulings right now that govern flows, and so it is not just one. The idea here is that we want high flows in the river in the spring, which will flood thousands of acres of farmland, and very low flows in the summer, which prevent any kind of navigation. The reason to do this is so the piping plover will build their nests high up on the banks of the river and will not get flooded out.

The best way to handle this is to manually move the nests up the bank. They do not have to flood thousands of acres. They do not have to shut off the barge traffic. That is the simple way. It is the logical way to do it. And yet we are trying to mandate this thing by managing the river all because the piping plover and the least tern are endangered species or threatened species.

So we think that this whole thing can be fixed, and we support the amendment.

Mr. REHBERG. Mr. Chairman, how much time did I have to begin with in opposition? Was it 5 minutes?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman has 5 minutes in opposition and has 3 minutes remaining.

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

I believe there is going to be other opposition. They asked for time. They do not seem to be in the Chamber, so I will just take 1 more minute of time.

I do not deny that there are problems that need to be fixed. This is not the mechanism to do it.

I have been to Nebraska helping my colleague deal with the endangered species issue. I agree with him on the endangered species issue. The problem is we cannot ignore the endangered species at this time until such time as we make the changes.

Again, I call upon the Corps of Engineers to please get the master plan in place. Please let us end the litigation that continues. Let us get together, establish a consensus, work out a solution that can deal with barge traffic and recreation and the Endangered Species Act and all things that are entailed with the management of the Missouri River. But we cannot do it this way.

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

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES).

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

I rise in strong support of the King amendment. This is a very timely amendment as I held a small business hearing today in my subcommittee dealing with the Endangered Species Act and the problems arising from it.

When found in a recent court ruling, once again that ruling pushes common sense aside in favor of alleged endangered species headed toward extinction, and I refuse to sit by and watch

judges like those who wish to ban God from our Pledge of Allegiance push farmers and small businesses around. If we do nothing, we are soon going to be adding the American farmer to the list of endangered species.

This amendment inserts common sense where it is needed. Our courts act recklessly when they continue to place the concerns of animals and plants ahead of farmers and small businesses. I am taking the battle for common sense directly to the Endangered Species Act, and I welcome the gentleman from Iowa's (Mr. KING) efforts to put common sense into the management of the Missouri River.

Mr. REHBERG. Mr. Chairman, I continue to reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Montana (Mr. REHBERG) has 2 minutes remaining. The gentleman from Iowa (Mr. KING) has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute to speak to that issue.

Following the gentleman from Missouri (Mr. GRAVES), the point that he raises about the real endangered species here is the Midwestern farmer. It is not the Northwest rancher. It is the Midwestern farmer that is at risk here.

I have been on every stretch of that river from Gavins Point down to Nebraska City. It is a long way. I have been on most of it twice. There is a lot of habitat up there for the least tern, the piping plover, and the pallid sturgeon, and we are creating more and more habitat as the years go by, and we are doing it based on pretty shaky science.

As I look up and down that river, and I will tell the Members that the further south one goes, the shallower the banks are and the more likely it is to flood. When they unleash their spring rise, that means that the water backs up through our drainage system at the rate of about one mile a day, 12 to 15 miles from the River, more than 1 million acres at risk here. And just that piece alone is enough to have more economic impact than this species that was created as a matter of convenience, a marriage of convenience between the fisheries and recreational interests and the environmental interests. So the habitat along the sand bar also is conducive, and they are nesting in other tributaries.

Mr. Chairman, I concede the point of order to the Chair.

The CHAIRMAN pro tempore. The point of order has yet to be made.

Mr. REHBERG. Mr. Chairman, I would like to leave enough time for the chairman to raise the point order, but I see one of my speakers is now here.

The CHAIRMAN pro tempore. The chairman can raise a point of order in its own time. He does not need the gentleman's time for that. Is the gentleman prepared to yield back his time?

Mr. REHBERG. Not to this point. I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

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

When it comes to water issues, it knows no party lines, knows nothing ideological lines. It has basically one rule, upstream versus downstream; and the problem with the amendment that would be offered is that it takes no account whatsoever of the upstream interests.

In North Dakota, when they built the Pick-Sloan projects and flooded the Missouri River, it took an area of our State the size of Rhode Island and put it under a lake bed. And now, as if that was not tough enough, they want to say, by the way, the size of this lake is going to gyrate dramatically, preventing them from making recreational development or any other use of that State of Rhode Island-size lake because we have got to keep all of the tension on downstream waterflow. We do not care about upstream. We have got to float our barges.

Time moves on, and the economic interests of upstream eclipses downstream. The only thing that does not eclipse downstream is votes in the House.

The courts have ruled on this matter, and they have ruled in inconsistent ways. It is going to the Supreme Court. It is not to be decided by an amendment before the House.

POINT OF ORDER

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment proposes to state a legislative position. I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. KING of Iowa. Mr. Chairman, I will concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

Mr. DICKS. Mr. Chairman, I move strike the last word so that the gentleman from Texas (Mr. REYES) could enter into a colloquy with our distinguished chairman.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding to me and giving me this opportunity.

I would like to enter into a colloquy with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

As the gentleman from North Carolina (Chairman TAYLOR) knows, in my congressional district of El Paso, Texas, we are fortunate to have a unit of the National Park Service, the Chamizal National Memorial. The Chamizal commemorates the peaceful 1967 settlement of a 100-year boundary dispute between the United States and Mexico.

Today, the Chamizal is dedicated to furthering the spirit of goodwill and understanding between two nations by using the visual, literary, and performing arts as a medium of cultural interchange. The Memorial maintains a 500-seat theater and presents more than, on the average, 300 performances a year. An outdoor stage is situated in the middle of the 66-acre park where the Park Service hosts the nationally recognized Border Folk Festival and many other significant cultural events. Also, the Memorial, which is located in one of the poorest ZIP codes in the country, sponsors a series of free outdoor concerts in the summer which often draw crowds of more than 10,000 people. In short, the Chamizal is the centerpiece of El Paso cultural and recreation life and is used frequently by visitors and residents alike.

Unfortunately, Mr. Chairman, the Chamizal lacks adequate parking facilities, especially for people with disabilities and the elderly, which significantly impedes their ability to enjoy our Memorial. Visitors are forced to park outside of the Memorial boundary and walk across very busy roadways to reach the facility, making access very difficult and oftentimes dangerous. It has gotten to the point that I am personally concerned that a visitor to the Memorial will be hurt, perhaps even killed, unless the situation is addressed.

A new 400-space parking lot is desperately needed at the Chamizal National Memorial in order to meet the needs of visitors, particularly the elderly and disabled, as have been identified in the Memorial's General Management Plan and, Mr. Chairman, more importantly, to rectify a very serious safety hazard to the visiting public.

In addition, the Chamizal is located at the main port of entry of El Paso between Mexico and the United States. This project would also allow our Park Service and their law enforcement rangers to better control and monitor access to the Memorial and to protect the security of visitors. The estimated cost would be approximately $1.2 million.

Do I have the chairman's assurance that he and our ranking member will work with me as the bill before us today goes to conference?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I will work with the ranking member and the gentleman to resolve the problem.

Mr. REYES. Mr. Chairman, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's leadership on this issue, and we will certainly work with him.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. 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. INSLEE:

Add at the end (before the short title) the following new section:

SEC. ____. None of the funds appropriated or made available by this Act may be used to propose, finalize, or implement any change to subpart B of part 294 of title 36, Code of Federal Regulations, entitled Protection of Inventoried Roadless Areas, as added by the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 25 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to offer this amendment to the House to preserve the most significant, probably the most significant, conservation measure for our precious national assets in the last decade, the 2001 roadless rule; and I do so by bringing to this House the spirit of Teddy Roosevelt who said, ''We want the active and zealous help of every man and woman farsighted enough to realize the importance from the standpoint of the Nation's welfare in the future of preserving the forests.'' That spirit of Teddy Roosevelt is one we have a chance to confirm and affirm today by upholding the roadless rule, the largest advance in our conservation history for several years.

I think it is appropriate in talking about this just for a moment to think about the national assets which are now at risk. This picture of the Tongass National Forest, it has beautiful cathedral Sitka spruce and western hemlock, and it is a national treasure. It is a jewel in the crown of our national forests. It does not deserve nor should it be clearcut, and the roadless rule we seek to preserve in this amendment would prevent that depredation.

□ 2045

It is for us to consider the ramifications of not passing this amendment, and those ramifications are clear. The failure to pass this amendment tonight will allow this administration to clear-cut hundreds of thousands of acres of our most precious national forests. This is the picture that we will see on the television screens that Americans repudiate. Because Americans, when we adopted this roadless rule, in the largest, most democratic rule of all time, 2.2 million Americans volunteered to render their opinions. And what did they say? Over 93 percent of them said do not render this clear-cutting to our most pristine national forests.

Now, there are four reasons, substantive reasons, to adopt this amendment. Reason number one: this administration wants to essentially exempt the very largest, the very most pristine, the very most ecologically productive rain forest in the entire Western Hemisphere, the Tongass National Forest, and turn it into 300,000 acres of clear-cut, arboreal rubble. And they intend to do this same thing in the Chugach National Forest. Alaska is a beautiful State. Many of our constituents have been there, and all of our constituents have an interest in not seeing this clear-cutting take place.

Second, this administration has made clear that it intends to infect the lower 49 with the same policy disease. Because this administration has said quite clearly that it intends to do an amendment to the roadless rule that will essentially allow decisionmaking authority to move towards governors, rather than the United States House of Representatives, the Senate, and the executive authority of the United States. I quote Mr. Mark Rey, the Under Secretary of State, who will propose a change ''that would allow States to play a greater role in land use decisions that affect them.'' The roadless rule, which blocks development of 58 million acres of Federal land remains law; and he said, but, we will leave it up to the governors to see where on a limited basis relief may be appropriate.

We know this for a fact. The stewardship responsibility belongs in this Chamber and this Chamber alone. There is already the ability for the governments to participate.

The third reason, if I may. This Nation is already interlaced with roads. There are 377,810 miles of roads in our national forest system, enough to circle the globe 15 times, 15 times. And the unmet needs of maintenance on those roads is $10 billion. If somehow, in the midst of our $450 billion deficits we can scrape up $5, the first $5 we ought to spend ought to be in protecting the roads that our people already enjoy going up to the lakes fishing, taking their kids hiking, which are now falling into disrepair and washing out. This is a fiscally sound measure.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

This amendment is bad policy. We should not stop all activities on the national level. Each national forest deserves to get decisions based on local commissions and based on specific situations.

We have four lawsuits going on this already. One Federal judge has already ruled that there are problems with the Clinton administration's roadless rule.

We need to have careful consideration before we lock up these areas and prevent multiple use. Wilderness area designations should be done site by site, not at this broad-brush national level.

It is possible that some forests and roadless areas may need some treatments to reduce hazardous fuels. We need to be careful that we do not make a national policy that could lead to dangerous conditions.

Half the areas covered by the Clinton roadless rule are at risk for catastrophic fire. The rule makes treatment of these areas a low priority when they should be a high priority. Already this year, fires that have started in roadless areas have destroyed hundreds of thousands of acres and burned several hundred homes.

I urge my colleagues to defeat this amendment.

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

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, the argument which we just heard in opposition to the amendment is that as a matter of public safety we should not continue to follow the Clinton roadless rule.

I would like to share some facts which I think undermine that argument. Ninety-eight percent of the fires that have occurred in roadless areas have been controlled while they are small. On the other hand, the Forest Service has found that fires are twice as likely to occur in roaded and log areas. Only 14 percent of roadless areas are considered at high risk for potentially devastating wildfires. There is no public safety argument to justify not having restrictions on building roads.

What really is at stake here, as was outlined by Taxpayers for Common Sense, is that our tax dollars throughout the United States are being used to subsidize the creation of these roads and national forests not for safety purposes, but to subsidize transportation for the timber industry that is harvesting timber in these parks.

Now, those of my colleagues who represent parts of the country whose economies benefit from harvesting timber do not need to apologize to fight for those jobs, but what my colleagues are not entitled to is to ask the rest of the country to subsidize those businesses.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, did the gentleman from Florida (Mr. DAVIS) say harvesting timber in parks? Is that what the gentleman said? Does the gentleman believe that is occurring? If so, then the gentleman is misinformed. Again, the gentleman is misinformed.

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time, I am referring to commercial logging; and I know the gentleman, who is an expert in this area, can perhaps use more appropriate terminology, but here is the final point I want to make.

The statistics suggest that there is between a $13 million and a billion-dollar backlog in terms of what we need to

do to construct and maintain roads in these parks. And instead of concentrating on that, we are going to be subsidizing commercial logging by building roads not for public safety.

For those reasons, I would urge adoption of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Chairman, first of all, I would like to point out to the gentleman from Florida (Mr. DAVIS), the gentleman is from Tampa, Florida. I am not even sure the gentleman has been out to the public lands. We live on the public lands out there. I am getting a little tired of some of my colleagues who have no idea of what public lands mean, who do not live out there on those public lands, who do not suffer the wrath of forest fires that we are suffering right now in the West. Instead, my colleagues stand up here gallantly and say, hey, the President, as the gentleman from Washington (Mr. INSLEE) says, the President is going to clear-cut tens of millions of acres. What a bunch of baloney. That has more fiction in it than Harry Potter.

Mr. Chairman, do my colleagues want to know where there is friction in this country? It is not between Democrats and Republicans; it is between you folks in the cities that have never experienced mountain life or life on the public lands, that do not know what fire does to us out there. Do my colleagues know what kills more endangered species than any other thing in this country? It is wildfire.

Now, I invite any of my colleagues to come out there sometime with the gentleman from Washington (Mr. INSLEE), either to the wilderness areas that he has proposed or, in effect, what we have here, de facto wilderness areas under this bill; and my colleagues can tell me what happens when they will not let us drive a fire truck up there. My colleagues can tell us what happens when they will not let us fly a helicopter and land it up there. My bet is during the fire season, I say to the gentleman from Florida (Mr. DAVIS), with all due respect, the gentleman is sitting comfortably in Tampa.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Inslee amendment.

Passage of this amendment is critical because our pristine wilderness, which I have been to, I have been to the public lands, particularly our national forests, face an imminent threat.

In June, the Bush administration announced a revision to the National Roadless Area Conservation Rule to exclude those crown jewels of the national forest system, the Tongass and the Chugach, where I have been, which constitutes a quarter of the lands covered in this roadless rule. In addition, the administration gives State Governors the authority to opt out of the rule. This decision was made despite over 2.2 million comments and 600 public meetings and hearings on the roadless policy, 95 percent in support of protecting the Tongass and the Chugach.

Weakening landmark environmental protection was the most blatant example to date of this administration choosing special interests over the health and the safety of citizens and our environment. It is not enough that the administration refuses to recognize the dangers of global warming; not enough that they want to weaken the Clean Air Act. Now they want to decimate the world's last remaining old-growth temperate rain forest under the guise of preventing forest fires.

When it comes to the stewardship of our precious forestlands, it is abundantly clear that the administration's priorities have nothing to do with taxpayers or the environment. It is apparent that they have more concern for the timber industry than for the wilderness lands, the wildlands, and our national forests. And in this language, there is opportunity for fire apparatus to get through. My colleague who preceded me was wrong.

I am the author of the Alaska Rain Forest Conservation Act, with 115 bipartisan cosponsors. It would protect the Tongass and the Chugach by codifying previous policy from the administration. I believe it is time to permanently safeguard these areas of unparalleled ecological value. We cannot let these lands be exploited. They are something that we should hold dear for years to come. They are our national legacy. Support the Inslee amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the chairman for yielding me this time. For those who have been speaking, there will be roadless areas in their districts.

The roadless rule was struck down this week for the second time. The first time it was reinstated by the appeal of the liberal ninth circuit. Like many of the actions that have been taken by the so-called Clinton administration, if it was an administration, on their way out of office this rule was found too unacceptable. Luckily, for the State of Alaska and the Forest Service, and the Bush administration has already realized, ANILCA, which most of my colleagues were not around, settled the matter of multiple use in Alaska forests. We cannot rewrite existing law. They are rightfully progressing with the removing of the Tongass and Chugach from consideration under this rule. Now, they will be able to use property management for all of America's forests, not just Alaskan ones.

Again, it always reminds me, why in the world would somebody from Connecticut and Florida come down to talk about the State of Alaska? I know that the gentleman from Washington (Mr. INSLEE) is from Washington State, but does not know anything about the Tongass, does not understand what we are talking about here. This is existing law. What my colleagues are trying to do is something that is incorrect to my people and to the forests, to the harvesting of the forest, which is a management tool.

And, by the way, the most we can cut out of 19 million acres in the Tongass, the most we can cut is less than 500,000 acres, if that is possible. And every time I hear this argument, I wonder where are you from. What are you thinking about? Are you just mimicking the words fed into your ears from the so-called environmental community? What an air-headed idea that is. I say shame on you.

Look at the facts. I listened to the gentleman from California (Mr. GEORGE MILLER) a while ago talking about science, including science. The studies on the Tongass have been made by the scientists. They said what we are trying to do is correct, and you want to ignore that because you are pandering to a group of people. Shame on you.

Mr. INSLEE. Mr. Chairman, I yield 1 minute and 40 seconds to myself.

Mr. Chairman, the gentleman from Alaska (Mr. YOUNG) has graciously suggested I know nothing about the Tongass National Forest. I do know this about the Tongass National Forest. Every single one of our constituents of every single Member of the House of Representatives is a coowner of the Tongass National Forest. And I know that that phoney settlement they had up there was a scam between people who used to work for the timber industry's lobbyists, not a judicial decision.

And I know another thing, in answer to this fire red herring. We are going to hear a lot about fire during this debate. We have the ability to deal with fire in the existing roadless area rule. We have the regulation right here which allows specifically, if I can read it: ''When a road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event, road-building is permitted.''

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. DELAY) for today from 6:00 p.m. and the balance of the week on account of accompanying the President of the United States.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, July 24.

Mr. BURTON of Indiana, for 5 minutes, July 24.

Mr. NORWOOD, for 5 minutes, July 18.

Mr. FLETCHER, for 5 minutes, today.

Mrs. MUSGRAVE, for 5 minutes, July 18.

Mr. GUTKNECHT, for 5 minutes, July 23.

Mr. TANCREDO, for 5 minutes, July 24.

Mr. SMITH of Michigan, for 5 minutes, July 22 and 23.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 555. An act to establish the Native American Health and Wellness Foundation, and for other purposes; to the Committee on Energy and Commerce.

S. 558. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources and the Committee on Energy and Commerce.

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools, to the Committee on Education and the Workforce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 246—An act to provide that certain Bureau of Land Management land shall be held trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes a.m.), the House adjourned until today, Friday, July 18, 2003, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3257. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance [OPP-2003-0138; FRL-7311-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3258. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerances [OPP-2003-0219; FRL-7313-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3259. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances Technical Correction [OPP-2003-0103; FRL-7317-1]received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3260. A communication from the President of the United States, transmitting requests to change FY 2003 appropriations law and an FY 2004 budget amendment for the Department of Veterans Affairs; (H. Doc. No. 108—102); to the Committee on Appropriations and ordered to be printed.

3261. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emmission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7528-3] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3262. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export [FRL-7528-4] (RIN: 2060-AH67) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

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. FRELINGHUYSEN: Committee on Appropriations. H.R. 2765. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–214). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 287. Resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, with amendments; adversely (Rept. 108–215). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1572. A bill to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; with amendments (Rept. 108–216). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1668. A bill to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse'' (Rept. 108–217). Referred to the House Calendar.

Mr. POMBO: Committee on Resources, H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; referred to the Committee on the Judiciary for a period ending not later than September 15, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(K), rule X (Rept. 108–218, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1038. Referral to the Committees on Agriculture extended for a period ending not later than September 15, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BEAUPREZ (for himself, Mr. UDALL of Colorado, and Mr. TANCREDO):

H.R. 2766. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. KANJORSKI, Mr. GARY G. MILLER of California, Mr. TOWNS, Mr. OWENS, and Mr. KUCINICH):

H.R. 2767. A bill to improve Federal agency oversight of contracts and assistance and to strengthen accountability of the governmentwide debarment and suspension system; to the Committee on Government Reform.

By Mr. BACHUS (for himself, Mr. LEACH, Mr. MARSHALL, Mr. MICHAUD, Mr. ISAKSON, Mr. GINGREY, Mr. FROST, Mr. BURNS, Mr. MORAN of Virginia, Ms. MAJETTE, Mr. DAVIS of Florida, Mrs. CAPITO, Mr. GERLACH, Mrs. WILSON of New Mexico, Mr. ALLEN, Mr. COOPER, Mr. DUNCAN, Mr. CULBERSON, Mr. CANTOR, Mr. MATHESON, Mr. GEPHARDT, Mr. TERRY, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. JENKINS):

H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall; to the Committee on Financial Services.

By Mrs. EMERSON:

H.R. 2769. A bill to permit commercial importation of prescription drugs from Canada, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 2770. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Transportation and Infrastructure, Education and the Workforce, Agriculture, and Energy and Commerce, 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. FOSSELLA:

H.R. 2771. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 2772. A bill to amend the Geothermal Steam Act of 1970 to promote the development and use of geothermal resources in the United States; to the Committee on Resources.

By Mr. HONDA (for himself, Mr. FERGUSON, Mr. PALLONE, Mr. WYNN, Mr. POMBO, Mr. PAYNE, Mr. BELL, Mr. STARK, Ms. LEE, and Mrs. CHRISTENSEN):

H.R. 2773. A bill to protect children from foods that pose a significant choking hazard; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 2774. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure to State and local law enforcement agencies of the identity of individuals claiming tax benefits improperly using Social Security numbers of other individuals; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 2775. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to be appropriated for the Great Lakes Water Level Observation Network; to the Committee on Resources.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. BOSWELL, Mr. HEFLEY, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. FLAKE, and Mr. NETHERCUTT):

H.R. 2776. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, 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. PAUL:

H.R. 2777. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from including any information storage capability on the currency of the United States or imposing any fee or penalty on any person for the holding by such person of currency of the United States, including Federal reserve notes, for any period of time; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2778. A bill to abolish the Board of Governors of the Federal Reserve System and the Federal reserve banks, to repeal the Federal Reserve Act, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2779. A bill to repeal section 5103 of title 31, United States Code; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2780. A bill to sunset the Bretton Woods Agreements Act; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2781. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2782. A bill to amend title 31, United States Code, to limit the use by the President and the Secretary of the Treasury of the Exchange Stabilization Fund to buy or sell gold without congressional approval, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2783. A bill to restore Congress' constitutional role in international transactions involving the Exchange Stabilization Fund, and to limit the amount of individual loans or credits that may be provided to a foreign entity through that fund; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. PAUL):

H.R. 2784. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. PLATTS (for himself, Mr. SOUDER, and Mr. WOLF):

H.R. 2785. A bill to amend the Internal Revenue Code of 1986 to provide for an enhanced deduction for qualified residence interest on acquisition indebtedness for heritage homes; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. ENGEL, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mr. ISRAEL, Mr. KING of New York, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER):

H.R. 2786. A bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the ''James J. Peters Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. STRICKLAND (for himself and Mr. MURPHY):

H.R. 2787. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric 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 Mr. UDALL of Colorado (for himself, Mr. FROST, Mr. ABERCROMBIE, Mr. ISSA, Mr. RUSH, Mr. ROSS, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. UDALL of New Mexico, and Mr. WYNN):

H.R. 2788. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees; to the Committee on Small Business.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK):

H.R. 2789. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LANGEVIN, and Mr. HOSTETTLER):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome; to the Committee on Government Reform.

By Mr. PORTER (for himself, Mr. ISAKSON, Mr. QUINN, Ms. HARRIS, Mr. FROST, Mr. SESSIONS, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. ROGERS of Kentucky, Mr. SAXTON, and Ms. LEE):

H. Res. 323. A resolution supporting the goals and ideals of National Marina Day; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. GREEN of Wisconsin, Ms. ROS-LEHTINEN, and Mr. GRIJALVA.

H.R. 84: Ms. LEE.

H.R. 85: Ms. LEE.

H.R. 119: Mr. VAN HOLLEN.

H.R. 187: Ms. LEE.

H.R. 189: Mr. KUCINICH.

H.R. 236: Mr. LUCAS of Kentucky.

H.R. 369: Mr. RAHALL and Mr. EVANS.

H.R. 486: Mr. SMITH of New Jersey and Mr. PITTS.
H.R. 715: Ms. LINDA T. SANCHEZ of California and Mrs. JONES of Ohio.
H.R. 800: Mr. CALVERT.
H.R. 814: Mr. ORTIZ and Mr. RYAN of Ohio.
H.R. 832: Mr. RUSH.
H.R. 839: Mr. ROGERS of Kentucky, Mr. GILCHREST, Mr. ETHERIDGE, Mr. QUINN, Mr. BEAUPREZ, Mr. BURR, Mr. SHUSTER, Mr. HINCHEY, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FRANKS of Arizona.
H.R. 850: Mr. BURNS.
H.R. 871: Mr. TERRY and Mr. PETERSON of Minnesota.
H.R. 873: Mr. WALDEN of Oregon.
H.R. 898: Mr. CRAMER.
H.R. 1008: Mr. RYUN of Kansas, Mr. SESSIONS, and Mr. SHIMKUS.
H.R. 1046: Mr. FORBES and Ms. WATSON.
H.R. 1068: Mr. SNYDER and Mr. FERGUSON.
H.R. 1078: Mr. BACHUS, Mr. FRELINGHUYSEN, Mr. AKIN, Mr. GINGREY, Mr. EHLERS, Ms. HART, Mr. FOLEY, Mr. BISHOP of Utah, Mr. BOEHLERT, Mr. DICKS, Mr. BLUNT, Mr. WHITFIELD, Mr. COSTELLO, Mr. KIND, Mr. CARDIN, Mr. HILL, Mr. BEREUTER, Mr. MCHUGH, Mr. OSBORNE, Mr. LUCAS of Kentucky, Mr. PORTMAN, Mr. KUCINICH, Mr. LATOURETTE, Mr. HULSHOF, Mrs. JOHNSON of Connecticut, Mr. UDALL of New Mexico, and Mr. UPTON.
H.R. 1097: Mr. JACKSON of Illinois and Mr. VAN HOLLEN.
H.R. 1102: Mr. DAVIS of Florida.
H.R. 1123: Mr. SCHROCK.
H.R. 1125: Mr. PORTER, Ms. SOLIS, Mr. SMITH of Washington, and Mr. DEAL of Georgia.
H.R. 1225: Mr. PORTER and Mr. OSBORNE.
H.R. 1244: Mr. SIMMONS.
H.R. 1288: Mr. ETHERIDGE, Mrs. JONES of Ohio, and Mr. HOLDEN.
H.R. 1295: Mr. COSTELLO, Mr. PAUL, Mr. WEXLER, Mr. HEFLEY, Mr. GREEN of Texas, and Mr. PALLONE.
H.R. 1305: Mrs. MYRICK, Mr. BURR, and Mr. TOOMEY.
H.R. 1310: Mr. RADANOVICH, Mr. PETERSON of Minnesota, and Mr. MICA.
H.R. 1316: Mrs. NAPOLITANO and Mr. KUCINICH.
H.R. 1322: Mr. SHERMAN and Mr. STUPAK.
H.R. 1372: Mr. LINDER, Mr. NETHERCUTT, Mr. ISAKSON, and Mr. LANTOS.
H.R. 1472: Mr. STARK.
H.R. 1605: Mr. GRIJALVA.
H.R. 1608: Mr. FOLEY.
H.R. 1633: Mr. WEXLER, Mr. FORD, and Mr. ABERCROMBIE.
H.R. 1639: Mr. VAN HOLLEN, Ms. ESHOO, and Ms. SCHAKOWSKY.
H.R. 1657: Mr. GRIJALVA.
H.R. 1684: Mr. HINOJOSA, Mr. FORD, and Mr. BISHOP of New York.
H.R. 1707: Mr. COOPER.
H.R. 1711: Mr. BOSWELL, Ms. NORTON, Mrs. TAUSCHER, Mr. NADLER, Mr. ACEVEDO-VILA, Mr. LEVIN, and Mr. KILDEE.
H.R. 1713: Mr. CUMMINGS
H.R. 1749: Mr. BRADLEY of New Hampshire, Mr. TAYLOR of Mississippi, Mr. WAXMAN, Mr. ACEVEDO-VILA, and Mr. WYNN.
H.R. 1753: Mr. KILDEE.
H.R. 1762: Mr. CALVERT and Mr. MILLER of North Carolina.
H.R. 1776: Mr. SAXTON, Mr. KNOLLENBERG, Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1815: Mr. POMEROY, Mr. OWENS, and Mr. WATT.
H.R. 1819: Mr. DAVIS of Florida.
H.R. 1828: Mr. DAVIS of Florida.
H.R. 1914: Mr. MCNULTY, Mr. CAMP, Mr. DEMINT, Mr. TOWNS, Mr. DOOLITTLE, Mr. HERGER, Mr. WALSH, Mr. OSE, and Mrs. BLACKBURN.
H.R. 1939: Mr. WALSH and Mrs. MALONEY.
H.R. 1943: Mr. WILSON of South Carolina and Mr. REGULA.
H.R. 1994: Mr. RAHALL.
H.R. 2022: Mr. TOWNS.
H.R. 2038: Mr. CROWLEY, Mr. SCHIFF, and Mr. HASTINGS of Florida.
H.R. 2052: Mr. NETHERCUTT, Mr. BURNS, Mr. REYES, and Mr. GUTIERREZ.
H.R. 2190: Mr. PICKERING.
H.R. 2208: Mr. REYES.
H.R. 2214: Mr. ROYCE and Mr. BURNS.
H.R. 2249: Mr. RYUN OF Kansas and Mr. SAXTON.
H.R. 2299: Mr. EVANS.
H.R. 2300: Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mrs. JONES of Ohio.
H.R. 2313: Ms. ROYBAL-ALLARD and Ms. WATSON.
H.R. 2318: Mr. MILLER of North Carolina, Mr. NADLER, and Ms. SCHAKOWSKY.
H.R. 2327: Mr. GOODLATTE and Mr. WOLF.
H.R. 2379: Mr. OTTER, Mr. PLATTS, Mrs. MUSGRAVE, Mr. GUTKNECHT, and Mr. NORWOOD.
H.R. 2440: Ms. WOOLSEY.
H.R. 2448: Mr. UPTON and Mr. BALLENGER.
H.R. 2455: Ms. DELAURO.
H.R. 2458: Mr. COLE.
H.R. 2462: Ms. WATERS and Mr. WATT.
H.R. 2497: Mr. GRIJALVA, Ms. KAPTUR, and Mr. OBERSTAR.
H.R. 2505: Mr. CASE.
H.R. 2511: Mr. FRANK of Massachusetts.
H.R. 2512: Mrs. LOWEY and Mr. BISHOP of New York.
H.R. 2515: Mr. BAIRD, Mr. VAN HOLLEN, and Mr. WOLF.
H.R. 2527: Mr. CROWLEY, Mrs. TAUSCHER, Mr. HINCHEY, Mr. PAYNE, and Mr. GUTIERREZ.
H.R. 2546: Ms. SCHAKOWSKY.
H.R. 2553: Mr. GRIJALVA.
H.R. 2569: Mr. MOORE, Mr. JEFFERSON, Mr. BROWN of Ohio, Mr. KENNEDY of Rhode Island, and Mr. LARSEN of Connecticut.
H.R. 2572: Mr. DAVIS of Illinois.
H.R. 2575: Mr. SCOTT of Georgia.
H.R. 2581: Mr. SCHROCK.
H.R. 2582: Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, and Mr. KILDEE.
H.R. 2601: Mr. STARK.
H.R. 2603: Mr. HAYWORTH.
H.R. 2632: Mr. PRICE of North Carolina, Mr. ISAKSON, and Mr. UPTON.
H.R. 2655: Mrs. KELLY and Mr. MCHUGH.
H.R. 2656: Mr. GIBBONS.
H.R. 2665: Mr. MICHAUD.
H.R. 2705: Mr. GIBBONS.
H.R. 2706: Mr. ACEVEDO-VILA, Mr. FRANKS of Arizona, Mr. SWEENEY, Mr. MEEKS of New York, Mr. ENGLISH, and Mr. VITTER.
H.R. 2722: Mr. COBLE.
H.R. 2725: Mr. BACHUS.
H.R. 2727: Mr. CROWLEY, Mrs. TAUSCHER, and Mr. PAYNE.
H.R. 2733: Mr. PLATTS and Mr. SHIMKUS.
H.J. Res. 56: Mr. TAYLOR of Mississippi and Mr. HERGER.
H. Con. Res. 98: Mr. SULLIVAN and Mr. MEEKS of New York.
H. Con. Res. 126: Mr. FOSSELLA.
H. Con. Res. 212: Mr. CHABOT, Mr. SESSIONS, Mr. FOSSELLA, and Mr. EVANS.
H. Con. Res. 240: Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, and Mr. BRADY of Pennsylvania.
H. Con. Res. 244: Ms. ROS-LEHTINEN.
H. Res. 103: Mr. RYAN of Ohio.
H. Res. 261: Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, and Mr. GRIJALVA.
H. Res. 262: Mr. OWENS and Mr. MEEHAN.
H. Res. 273: Mr. LANTOS and Mr. FRANK of Massachusetts.
H. Res. 291: Ms. SOLIS and Mrs. MALONEY.
H. Res. 322: Mr. BRADY of Texas and Mr. RAMSTAD.

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. WELLER, Mr. PENCE, Ms. HART, and Mr. PORTMAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2754

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

H.R. 2754

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $272,110,000.

H.R. 2754

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 3: Page 2, line 18, after the dollar amount insert ''(reduced by $17,788,000)''.

Page 5, line 15, after the dollar amount insert ''(increased by $17,788,000)''.

H.R. 2754

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: Page 5, line 15, after the dollar amount insert ''(increased by $33,981,000)''.

Page 7, line 5, after the dollar amount insert ''(reduced by $33,981,000)''.

H.R. 2765

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: 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''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, JULY 17, 2003 No. 106

Senate

The Senate met at 9 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.

God of power, God of love, thank You for bringing us through life's many trials and reminding us that we belong to You. Keep our feet on the right path. Forgive our failure to sometimes see beyond today's challenging events and our unwillingness to trust the unfolding of Your loving providence. Lord, open our eyes that we may see the invisible world of Your unstoppable purposes and catch a new vision of Your glorious design for our world. Guide our Senators. Make them Your agents to bless humankind. And again we ask that You would be a shield for our troops in harm's way. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately resume consideration of the Defense appropriations bill. Last night, we locked in an order of amendments to be offered over the course of the day. Although we have not locked in time agreements on these amendments, we expect to be voting on a couple of them as early as 11 or 11:30 this morning. The chairman is here and is prepared to work through the remaining amendments to the bill. It is our expectation to complete this bill today or tonight.

As I stated yesterday, and as stated by the chairman as well, if—it is an ''if''—we complete the Defense bill today and we are able to begin with the Homeland Security appropriations bill on Monday, there will be no rollcall votes during Friday's session. Again, that is if we complete the bill today. If not, we will go into tomorrow and have rollcall votes tomorrow.

Monday is a no-vote day. However, as has been mentioned on the floor, we would expect Members to be present on Monday to offer amendments to the Homeland Security bill.

As a reminder to all Senators, at 4 p.m. today the Prime Minister of Britain, the Right Honorable Tony Blair, will deliver an address to both Houses of Congress.

Senators have been notified—but I will remind them—that they are asked to gather in the Senate Chamber no later than 3:40 this afternoon in order to proceed to the Hall of the House of Representatives.

As we look ahead to next week, we will continue on the appropriations bills that are available. We will continue to have busy sessions throughout.

I remind Members that the last week prior to the recess will be devoted to completion of the Energy bill. I have been hoping to reach an agreement so that Members will file their amendments on the Energy bill no later than Wednesday of next week. That would enable the chairman and the ranking member to begin to work through the amendments prior to that final week of consideration.

I remind my colleagues that we began consideration of the Energy bill on May 6 of this year. I believe there has been more than adequate time to draft amendments, and therefore I hope we can set this reasonable filing deadline. I know at this time there are objections on the other side of the aisle. However, I will continue to work with Senator DASCHLE and the assistant Democratic leader in an effort to reach this consent.

I thank all Members. As always, we will notify Senators as votes are scheduled throughout the day.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, first of all, Senator DODD has agreed to a time limit. As soon as the Senator has an opportunity to review his amendment, I am sure he will agree to that time limit.

Senator BYRD has an amendment he will offer following that. He said he would not agree to a time on this amendment, but he said he wouldn't take long.

As the leader knows, we have agreed to vote on Senator BYRD's amendment, and then Senator DODD wants a vote on his amendment after we complete the debate.

We have a list of the amendments we are going to offer. Senator BYRD has three. Other Senators have one each.

We should be able to move through this in a reasonable period of time—hopefully before too long. I assume the majority leader will have the Senate in recess from 3:30 until the time the Prime Minister of Britain completes his speech. I hope he follows the model and precedent of the most recent President as far as length is concerned so he doesn't take too much of our time off the floor.

The Senate will bring up the Energy bill. We worked hard on the Energy bill. Senator BINGAMAN and Senator DOMENICI have worked hard. But we have not even spent 2 full weeks on that bill. Last time we had 8 weeks. I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

acknowledge that the last time, one of the reasons it took more time was ANWR, which this bill doesn't have in it. That will help us significantly. We will do what we did to cooperate with the majority on this bill.

As everyone knows, the Democratic leader wants this bill passed very badly. But I say to the distinguished majority leader, he can only do so much. There are more than 300 amendments on both sides. It will be a heavy task to get through this in a week.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I appreciate those comments. As I mentioned, we started on the Energy bill on May 6. We had 12 days of consideration on the floor of the Senate. The bill was marked up prior to that.

I have tried to lay this out from the outset recognizing that we are going to address the bill—and we spent 12 days on it—during the last week of this month so we can plan, so we can get amendments considered and get the list down to a manageable number.

The reason I come to the floor every day is that I want to encourage Members on both sides of the aisle to focus on this right now. I get this feeling and sense that people are going to say we are going too fast and we are running out of time. That is the only reason I stress this in just about every other statement and in every meeting. I think everybody understands that and is working. But I do want to complete this bill. We are setting adequate time to do that.

If we can come to some sort of agreement by midweek next week as to what amendments we will be looking at, it will be hugely helpful. That is what we are working for on both sides of the aisle.

PRIME MINISTER TONY BLAIR'S ADDRESS TO A JOINT MEETING OF CONGRESS

Mr. FRIST. Mr. President, let me comment briefly on Prime Minister Tony Blair's address to the joint meeting of Congress this afternoon. It is a historic time.

This afternoon, the Senate and the House of Representatives have that distinct honor of welcoming British Minister Tony Blair to address this joint meeting of the Congress. This type of address is the highest honor which Congress can bestow. Prime Minister Blair will be the fourth sitting Prime Minister of the United Kingdom to address a joint session of the United States and Congress, preceded only by Winston Churchill, Clement Richard Atlee, and Margaret Thatcher—three of history's greatest leaders.

Today's historic tribute signifies our abiding friendship and our deep respect not only for the Prime Minister but for the great people of the United Kingdom.

Throughout the last century, the United Kingdom and the United States have stood shoulder to shoulder to defend the free people of the world. That is because our two nations share more than just history. We share deeply held principles of devotion to governance with the consent of the electorate, a devotion to justice based on the rule of law and the principles of due process and devotion to economic freedom based on a belief that every individual should be free to express his or her God-given talents.

Together, the United States and the United Kingdom defeated the twin evils of fascism and communism. Today, we stand together to defend democracy everywhere.

In Africa, the Middle East, and Europe, Prime Minister Blair has led the way to bring freedom to the oppressed, relief to the suffering, and the promise of peace to those living in war-torn regions.

In Sierra Leone, Prime Minister Blair led the effort to end a brutal and senseless civil war. In Kosovo and the Balkans, the Prime Minister rallied our two great nations to bring stability and security to that troubled region. In our great time of need, Prime Minister Blair has shown tremendous courage; he has shown tremendous resolve to defeat our enemies no matter how deep their caves or how fearsome their arsenal.

In Afghanistan, the United Kingdom contributed forces to Operation Enduring Freedom and led the International Security Assistance Force. In Iraq, Prime Minister Blair worked tirelessly to build the coalition to free the Iraqi people from the savagery of Saddam Hussein, a man who—and we should never forget this—used chemical weapons to commit mass murder against his neighbors as well as his own people.

Under the Prime Minister's leadership, the United Kingdom sent over 30,000 troops—nearly a fourth of the British military—to fight alongside our valiant women and men.

We are grateful for the Prime Minister and the British people for their strength and their resolve.

This afternoon, on behalf of the people of the United States, we will pay tribute to the Prime Minister for his courage and his vision. We will listen to his counsel. We will reaffirm the bond between our two great nations, purchased not by treasure or self-interest but by loyalty and brave mutual sacrifice.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2658, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa, Mr. HARKIN, is recognized for not to exceed 25 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, some of this week's news headlines and lead stories on the evening news, when looked at together, raise important questions about our direction as a country and about key Federal Government policy—both economic policy and foreign policy. The economic issues raised affect the quality of life of every American family and the future of our children. The foreign policy issues touch on the reasons that thousands of Americans are deployed today in perilous circumstances in Iraq. As we all know, our soldiers are risking their lives daily in Iraq, and daily American troops are being killed.

On the economic front, the front page of the Washington Post reported earlier this week that the White House now projects that the Federal budget deficit will top $450 billion this year: ''Budget Deficit May Surpass $450 billion.'' That is 50 percent higher than the administration predicted just 6 months ago. In 6 months it has increased by 50 percent. The administration's Office of Management and Budget also predicts a $475 billion deficit for next year.

Now, a couple times in my remarks this morning I will be talking about low-balling. I think the $450 billion budget deficit figure is a low-ball figure. I think the $475 billion budget deficit estimate for next year is also a low-ball figure. I think they are both going to be in the neighborhood of $½ trillion or more.

Why could I possibly say that? One reason is that the projected $475 billion deficit for next year does not include any accounting for the cost of the war in Iraq, or for our continued operations in Afghanistan. It is simply not there, as though it costs us nothing.

We now know, thanks to the recent hearing held by the Senate Armed Services Committee and the continued questioning of Secretary Rumsfeld, who at first did not have the figures for how much it was costing us on a monthly basis in Iraq, but was pressured by the Senators on the Armed Services Committee to get the figures during a break when the Senators came to vote—well, he came back, and what did we learn? We learned from Secretary Rumsfeld that the cost of our operations in Iraq are now running at about $4 billion a month. That is $1 billion a week.

Again, to those of us who have been around here for some time, and have seen how these figures have been skewed in the past, I also think that is a low-ball figure. I think the figures of our operations in Iraq, when all is said

and done, is going to be much closer to $5 to $6 billion per month. But we will take their figure, the administration's figure of $4 billion a month.

Again, that number has been escalating. At the beginning of the war, the Defense Department said that the occupation costs would only be about $2 billion a month. In June, it rose to $3 billion a month. Now it is $4 billion a month. That is just in Iraq. In Afghanistan, we are spending another $1 billion each month. When you add up those two, that is about $60 billion a year. That is not even in our budget.

We are on the Defense appropriations bill right now—a record $369 billion for defense and not one penny in there for Afghanistan or Iraq. So when you see the figure of a $450 billion deficit, hold your breath because it is going to go up. It is going to be bigger than that because of these costs in Iraq and Afghanistan.

But there is another reason why these deficits are going up. The basis for the $450 billion deficit is certainly not the war in Iraq, and it is not what we are doing in Afghanistan; it is because of the President's massive tax cuts enacted in 2001 and this year—tax cuts that benefited the wealthiest in our society.

Over one-half of the benefits of the tax break bill in 2001 went to those people making over $1 million a year. This year, we just added on to that. Based on the tax cuts enacted this year, a person making $1 million a year in America now will get over $93,000 a year in a tax cut. You wonder why we are having a $450 billion deficit.

So those are the two paths our country is going down that I believe is putting us in dire jeopardy: The economic path of more and more massive tax breaks for those at the top—not investing in education, not investing in basic medical research, not investing in rebuilding our schools and our highways and bridges and roads, not investing in our infrastructure in our country, not investing in Early Start and Head Start, not investing in Well Start programs, not investing in higher education so our kids can get a chance to go to college, not investing in that—but taking the great wealth of this country and giving it, in tax breaks, to the wealthiest few.

That is the basis for why our economy is in a shambles. Then you add on to it the foreign policy debacle of the last 2 years. The foreign policy debacle is now leading us to spend $60 billion a year on Afghanistan and Iraq, the foreign policy debacle that is leading to U.S. troops being killed every day in Iraq.

The headline in this morning's Washington Post: "'Guerilla' War Acknowledged."

> The U.S. military's new commander in Iraq acknowledged for the first time yesterday that American troops are engaged in a "classical guerilla-type" war against remnants of former Iraqi president Saddam Hussein's Baath Party and said Baathist attacks are growing in organization and sophistication.

I guess we didn't learn anything from Vietnam, did we? I guess we just didn't learn a thing. No, we were so anxious to rush headlong into this war without getting the support of our allies, making this a United Nations effort, at least at a minimum a NATO effort, rather than a solo effort by the United States. Now when we look around and we need help in paying the bills, it is only the U.S. taxpayers who are being asked to pay. Make no mistake, the bills will be paid. We will pay those bills. And I will vote for this bill, too, because we can't pull the rug out from underneath our military. No one is talking about pulling our troops suddenly out of Iraq now that they are there. Certainly no one here in the Senate would suggest that we don't provide all that we can for their security and their success.

But we have to ask the tough questions of what got us here, what led us here, what policy decisions put us in this terrible situation. As we consider defense spending, it is appropriate to examine the cause of why we are committing $1 billion a week in Iraq in addition to the cost of human lives.

Again, we can look at a second story from Tuesday's Washington Post. President Bush on Monday defended his State of the Union remarks on Iraq by saying:

> I think the intelligence I get is darn good intelligence. And the speeches I have given were backed by good intelligence.

"President Defends Allegation on Iraq." Well, the President essentially, with these remarks, seems to be sticking with the story he told in his State of the Union Address. His spokesman days before had acknowledged that the President should not have claimed that Iraq was trying to buy uranium from Africa; that this claim was based on bad intelligence, forged documents. But the President did not renounce this claim. In fact, he seemed to stand by it.

President Bush also said the CIA doubts about the intelligence regarding Iraqi efforts to buy uranium in Africa were "subsequent" to the State of the Union Address. That is what the President said. However, we know this is not true. The CIA insisted last October that similar claims be removed from a speech the President delivered at that time.

And wonder of wonders, on July 14, the President said we went to war with Saddam Hussein "after we gave him a chance to allow the inspectors in, and he wouldn't allow them in." Just driving in this morning from home into the Senate, I was listening to the radio, and this was brought up on the radio. And you could hear the President's own words:

> We gave him a chance to allow the inspectors in, and he wouldn't allow them in.

That has got to be one of the most bizarre statements I have ever heard not only any President but any public official ever make.

The fact is, last November, the inspectors were let in, led by Hans Blix. They went into Iraq on November 18 last fall. And they were there doing their job. But continually President Bush said they couldn't do it, that they couldn't find anything. We kept trying to support the inspectors, some of us, but the President kept saying, no, they couldn't operate. The inspectors only left Iraq just before the bombs started falling.

And now for this President to say that Saddam Hussein wouldn't let them in has got to be something really bizarre. What could the President possibly be thinking? How could the President even utter such words?

The administration's claims about Iraq's nuclear program have always been at the center of their justification for the war in Iraq. In a speech in Cincinnati last October laying out the case for the resolution authorizing the use of force in Iraq, President Bush used the word "nuclear" 20 times in one speech. Perhaps his most dramatic statement raised the specter of a nuclear attack on the United States. President Bush warned in that speech:

> Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that would come in the form of a mushroom cloud.

In March, shortly before the war began, Vice President CHENEY went further. He said: Hussein "has been absolutely devoted to trying to acquire nuclear weapons." And here is what the Vice President said in all seriousness:

> And we believe he has, in fact, reconstituted nuclear weapons.

That is what Vice President CHENEY said last March.

We ask, where are the facts? We have yet to see any facts, only speculation based upon forged documents. That is a claim with absolutely no evidence behind it. And this is the Vice President of the United States.

So we have to ask, does President Bush stand by his claim that Iraq was trying to purchase uranium, or was that statement a mistake? It is not enough to blame an aide who stopped that claim once but allowed it—attributed to another source—the second time. It is not enough to claim, as another aide did, that the statement was technically true because it said that "the British Government has learned" about the alleged purchase attempt even though our own Government believed the allegations wrong.

It is time for President Bush to come clean. Does he believe his own claim? Did Iraq even have an active nuclear weapons program when we invaded? If so, then why have we not found any evidence for it in the months since the war ended? And if not, then why did we invade in the first place?

This is not just about one statement. It is about a war justified by claims that Iraq was actively pursuing nuclear weapons, by dire warnings about mushroom clouds. Yet the U.N. could not find any evidence of a continuing nuclear weapons program, and now apparently we can't either.

The administration can't hide that fact behind conflicting statements and wrong information. They can't continue to mislead and misdirect the American public and the Congress. The cost in money and in lives and in reputation is too great.

Is this really the culmination of a misguided policy started by a few individuals in the early 1990s, expounded and developed in the later 1990s, and now encompassed by some in this administration, a new doctrine called ''preemption''; preemption, that we can somehow go in and militarily invade a country based not upon evidence, based not upon hard facts but based upon a kind of feeling, a supposition, maybe a belief, just a belief that they may, in fact, some day come to harm us?

George Will had a column in the newspaper on June 22 talking about the doctrine of preemption. He said something I thought was very interesting. He said:

> To govern is to choose, almost always on the basis of very imperfect information. But preemption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

If I can interpret Mr. Will, I think he was saying that sometimes you can take certain actions, the consequences of which, if you are wrong, are not momentous. But to base military action under a doctrine of preemption on potential threats about which you do not have adequate facts, and based only upon a belief or a feeling, the results of that can be terribly momentous.

Mr. Will goes on to say:

> Some say the war was justified—

That is what we are hearing now.

> —even if [weapons of mass destruction] are not found nor their destruction explained, because the world is ''better off'' without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for preemptive war.

I ask unanimous consent that Mr. Will's entire column of June 22 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Union (Albany, NY), June 22, 2003]

THE MISSING WEAPONS DO MATTER

(By George Will)

WASHINGTON.—An antidote for grand imperial ambitions is a taste of imperial success. Swift victory in Iraq may have whetted the appetite of some Americans for further military exercises in regime change, but more than seven weeks after the President said, ''Major combat operations in Iraq have ended,'' combat operations, minor but lethal, continue.

And overshadowing the military achievement is the failure—so far—to find, or explain the absence of, weapons of mass destruction that were the necessary and sufficient justification for pre-emptive war. The doctrine of pre-emption—the core of the President's foreign policy—is in jeopardy.

To govern is to choose, almost always on the basis of very imperfect information. But pre-emption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

Some say the way was justified even if WMDs are not found nor their destruction explained, because the world is ''better off'' without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for pre-emptive war. Americans seem sanguine about the failure—so far—to validate the war's premise about the threat posed by Saddam's WMDs, but a long-term failure would unravel much of this President's policy and rhetoric.

Saddam, forced by the defection of his son-in-law, acknowledged in the mid-1990s his possession of chemical and biological WMDs. President Clinton, British, French and German intelligence agencies and even Hans Blix (who tells the British newspaper The Guardian, ''We know for sure that they did exist'') have expressed certainty about Iraq having WMDs at some point.

A vast multinational conspiracy of bad faith, using fictitious WMDs as a pretext for war, is a wildly implausible explanation of the failure to find WMDs. What is plausible? James Woolsey, President Clinton's first CIA director, suggests the following:

As war approached, Saddam, a killer but not a fighter, was a parochial figure who had not left Iraq since 1979. He was surrounded by terrified sycophants and several Russian advisers who assured him that if Russia could not subdue Grozny in Chechnya, casualty-averse Americans would not conquer Baghdad.

Based on his experience in the 1991 Gulf War, Saddam assumed there would be a ground offensive only after prolonged bombing. U.S. forces would conquer the desert, then stop. He could manufacture civilian casualties—perhaps by blowing up some of his own hospitals—to inflame world opinion, and count on his European friends to force a halt in the war, based on his promise to open Iraq to inspections, having destroyed his WMDs on the eve of war.

Or shortly after the war began. Saddam, suggests Woolsey, was stunned when Gen. Tommy Franks began the air and ground offenses simultaneously and then ''pulled a Patton,'' saying, in effect, never mind my flanks, I'll move so fast they can't find my flanks. Saddam, Woolsey suggests, may have moved fast to destroy the material that was the justification for a war he intended to survive, and may have survived.

Such destruction need not have been a huge task. In Britain, where political discourse is far fiercer than in America, Tony Blair is being roasted about the missing WMDs by, among many others, Robin Cook, formerly his foreign secretary. Cook says: ''Such weapons require substantial industrial plant and a large work force. It is inconceivable that both could have been kept concealed for the two months we have been in occupation of Iraq.''

Rubbish, says Woolsey: Chemical or biological weapons could have been manufactured with minor modifications of a fertilizer plant, or in a plant as small as a microbrewery attached to a restaurant. The 8,500 liters of anthrax that Saddam once admitted to having would weigh about 8.5 tons and would fill about half of a tractor-trailer truck. The 25,000 liters that Colin Powell cited in his U.N. speech could be concealed in two trucks—or in much less space if the anthrax were powdered.

For the President, the missing WMDs are not a political problem. Frank Luntz, a Republican pollster, says Americans are happily focused on Iraqis liberated rather than WMDs not found, so we ''feel good about ourselves.''

But unless America's foreign policy is New Age therapy to make the public feel mellow, feeling good about the consequences of an action does not obviate the need to assess the original rationale for the action. Until WMDs are found, or their absence accounted for, there is urgent explaining to be done.

Mr. HARKIN. Well, again, there is one statement after another. Here is a speech that the Vice President gave on August 26, 2002, to the VFW national convention.

''Simply stated,'' said the Vice President, ''there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them. I think that is important. He is amassing them to use against our friends, against our allies, and against us.''

Well, if he was amassing them, where are they? What information did Vice President CHENEY rely upon last August 26 when he uttered those words? Words have import. Words have consequences, especially when those words are uttered by the President of the United States or the Vice President—even more so than words uttered by us on the Senate floor.

I believe the consequences of those words led us into a war in Iraq that, quite possibly, either could not have happened because we could have had inspectors and we could have weakened Saddam more and more over the months and years; or it could have been a war in which we were there with the world community. But, no, the President wanted to rush into this. The words he used and the words that were used by the Vice President were used to frighten the American people, to stampede the Congress into passing a resolution.

Mr. President, I think, as we look at our duties here—and, of course, we have to support our troops and we have to pass this bill—the hard questions need to be answered. What did the President know? When did he know it? What did the Vice President know and when did he know it? Why did they use the words they used when, in fact, the intelligence showed just otherwise? And why underneath it all do we continue a policy of getting further and further in debt in this country—to the point that it jeopardizes our children's future? These are the hard questions this President has to answer.

With that, I yield the floor and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have a parliamentary inquiry. What is the pending business?

The PRESIDENT pro tempore. The Defense appropriations bill.

AMENDMENT NO. 1276

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1276.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a review and report regarding the effects of use of contractual offset arrangements and memoranda of understanding and related agreements on the effectiveness of buy American requirements)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

Mr. DODD. Mr. President, let me, first of all, thank the distinguished chairman of the committee, the President pro tempore, and the ranking member, Senator INOUYE, for their cooperation on this amendment. As I understand it, this amendment has been accepted by both sides.

I will briefly describe the amendment. My intention is not to ask for a recorded vote so we will move the process along. I will enter into a brief colloquy perhaps with the ranking member about the prospects of this being held on in conference.

Briefly, as all of my colleagues, I am deeply troubled by the state of our economy. I spent last week—part of it—in my State, as I am sure many colleagues did over the July 4th break, talking to manufacturers, labor unions, and others.

As most of my colleagues know, my State is heavily dependent on defense contract work—if not the most dependent on a per capita basis, certainly one of the top States on a per capita base. We have been very proud of this tradition over the years. It dates back to the Revolutionary War when Connecticut was known as the Provision State. In addition to its nomenclature of being the Constitution State, it is the Provision State as well.

As a result of the cooperation of the Defense Appropriations Subcommittee over the years, Connecticut's contribution has continued to grow in a variety of areas. Like everything else, there are areas for improvement in how we can help sustain this quality of work that is being done by some of the finest technicians, some of the finest workers the world has ever seen, producing the most sophisticated equipment and hardware that has ever been produced by any nation.

Yet we are also seeing, as a result of the realities of the world, more and more people are losing their jobs in the technology area. The industrial base is eroding. In fact, we are told in one article, which I placed on this chart, that roughly 27,000 technology jobs moved overseas in the year 2000, and this research organization predicts the number will mushroom to 472,000 by the year 2015 if companies continue to farm out as much of our technology work at today's frenzied pace.

The jobless issue is important. More than 9 million Americans are out of work, and nearly 400,000 jobs have been lost just since January of this year. Job losses continue to mount in the manufacturing sector, even in the defense industry, I might add.

Manufacturing is the engine that drives our economy, sustaining the industrial base. I note to all of my colleagues that this is critically important. This is what made America a leader over the years. It is what made us the great industrial and military power we are today.

Manufacturers produce $1 out of every $6 of our economy's gross domestic product. During the last decade, U.S. manufacturing has been responsible for 21 percent of the total economic growth and one-third of productivity growth in the United States.

In my State, Connecticut, manufacturers are also a critical part of our local economy. More than 5,600 individual manufacturing companies in the State of Connecticut employ more than 240,000 people who are paid over $10 billion a year in salaries and income. These manufacturers create more than $27 billion in added value and generate $45 billion in annual sales.

Yet despite the importance of this manufacturing sector, manufacturers across the country are struggling today to survive. In an economy where 9.4 million Americans are out of work, it is particularly upsetting to learn that the U.S. defense contractors are continuing at a rapid pace to outsource a considerable number of manufacturing positions overseas.

This is being done under the so-called offset contracts. Under these arrangements, foreign governments buy major weapons programs from American companies only if the manufacturer contracts out a significant portion of that work in that country.

For example, when Poland agreed to buy several Lockheed Martin F–16 aircraft, United States contractors agreed to outsource over 40 components of this work to Polish companies, amounting to hundreds of United States job losses to foreign workers.

No one disputes there is an important role for these offset agreements, and this amendment does not eliminate them at all. Quite the contrary. The jobs that may be lost may be offset by other gains from better commercial and defense relations in foreign countries.

The issue is whether or not the trend that these arrangements are following is headed in the wrong direction. U.S. companies are outsourcing more and more, and I am worried this could result in a loss of sensitive technology

overseas, a loss of segments of the national industrial base, and a loss of jobs during this economic downturn.

As I mentioned, there were 40 different contracts in 1 particular job and 1 particular country. When American companies enter into future contracts with the U.S. Government, it means that our taxpayer dollars will now go to work in another country rather than to support our own economic needs.

With certain components being built in other countries, offset arrangements may actually undermine existing ''buy American'' laws that require specific military machinery—everything from naval circuit breakers to machine tools and ball bearings—to be manufactured by workers in the United States.

For these reasons, I am offering this amendment this morning that will add a measure of accountability to these offset contracts. The amendment requires the Secretary of Defense to review these arrangements and report to the Congress on, among other things, the effect on the industry's industrial base and what actions have been taken to minimize damage to American defense industries, what financial impact these arrangements might have on U.S. manufacturing, the implications of technology transfer arising from these arrangements, and, lastly, how consistent some of the business arrangements, resulting from these offset arrangements, are with existing ''buy American'' laws that pertain specifically to defense policy.

Armed with this information, we will be better able to ensure that when American companies enter into foreign contracts, the U.S. industrial base will be preserved and the general interests of the American people will be protected.

This amendment also allows the Secretary discretion to modify existing memoranda of understanding with other countries affecting offset agreements if he or she finds it necessary upon reviewing this information. He may also submit to the President any recommendations he thinks might be necessary to strengthen ''buy American'' laws.

This added protection is particularly important to all of us at a time when people all over the Nation are experiencing the highest unemployment rate in 9 years, most recently measuring 6.4 percent.

I appreciate the consideration of this amendment by the chairman and the ranking member of the committee. This is not a radical approach. As I said, it does not in any way eliminate these offset arrangements but merely requires a greater accountability so we can watch carefully what is happening, so we do not end up with more jobs being lost, particularly in these critical technologies that are so vital not only to our economic success and well-being but also to preserving the industrial base for our national security needs in the 21st century.

I ask that the amendment be agreed to. If I may say to my colleague from Hawaii, I am not going to ask for a recorded vote. I appreciate their review of the amendment and their acceptance of it. I hope steps will be taken to try to preserve this amendment in conference if that is possible.

Mr. INOUYE. Mr. President, I can assure my distinguished colleague from Connecticut that we will do our utmost in convincing the House conferees to accept this.

Mr. DODD. Mr. President, I thank the Senator from Hawaii very much for his continued support.

I have no further need for additional time. I ask unanimous consent that the amendment be agreed to.

The PRESIDENT pro tempore. Is there further debate? If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1276) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank the Chair.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 1428 are printed in today's RECORD under ''Statements on Introduced Bills and Joint resolutions.'')

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Illinois.

Mr. DURBIN. May I inquire of the Chair the pending business before the Senate.

The PRESIDING OFFICER. The pending business is the Defense appropriations bill.

AMENDMENT NO. 1277

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1277.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the availability of funds for the Intelligence Community Management Account pending a report on the development and use of intelligence relating to Iraq and Operation Iraqi Freedom)

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding any other provision of law, of the amount appropriated by title VII of the Act under the heading ''INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT'', $50,000,000 may only be obligated after the President submits to the appropriate committees of Congress a report on the role of Executive branch policymakers in the development and use of intelligence relating to Iraq and Operation Iraqi Freedom, including intelligence on—

(1) the possession by Iraq of chemical, biological, and nuclear weapons, and the locations of such weapons;

(2) the links of the former Iraq regime to Al Qaeda;

(3) the attempts of Iraq to acquire uranium from Africa;

(4) the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons;

(5) the possession by Iraq of mobile laboratories for the production of weapons of mass destruction;

(6) the possession by Iraq of delivery systems for weapons of mass destruction; and

(7) any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

(b) ADDITIONAL MATTERS ON URANIUM CLAIM.—The report on the matters specified in subsection (a)(3) shall also include information on which personnel of the Executive Office of the President, including the staff of the National Security Council, were involved in preparing, vetting, and approving, in consultation with the intelligence community, the statement contained in the 2003 State of the Union address of the President on the efforts of Iraq to obtain uranium from Africa, including the roles such personnel played in the drafting and ultimate approval of the statement, the full range of responses such personnel received from the intelligence community, and which personnel ultimately approved the statement.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. DURBIN. Madam President, yesterday as a member of the Senate Intelligence Committee, I sat through a 5-hour hearing with the Director of the Central Intelligence Agency, Mr. George Tenet. It was one of the longest hearings I have ever been a party to in that committee. Virtually every member of the committee was present for the entire hearing. I think we can accurately draw the conclusion from that that it was a hearing of great importance because it addressed an issue which is central to our foreign policy and our national security, and that is the intelligence agencies of our Government.

We are asking now some very difficult but important questions along two lines. First, was the intelligence gathered before the United States invasion of Iraq accurate and complete? Secondly, was that information relayed and communicated to the American people in an honest and accurate fashion? Those are two separate questions that are related.

Yesterday, Director Tenet reiterated publicly what he has said before on July 11, that he accepted responsibility for the fact that in the President's State of the Union Address last January a sentence was included which was at best misleading. The sentence, of

course, related to whether or not Iraq had attempted to obtain uranium from the African nation of Niger. What I am about to say is not from the hearing yesterday but rather from public disclosures and press reports relative to that issue.

What we know is this: The allegations and rumors about Iraq obtaining uranium and other fissile materials from the country of Niger had been discussed at some length for a long period of time. In fact, documents had been produced at one point that some believed implicated the Iraqis and the Niger nation in this particular transaction. It is also true, though, that the people who are expert in this area had looked carefully and closely at that documentation and many had come to the opposite conclusion. Some had concluded this information, whether it was from British intelligence sources or American intelligence sources, was dubious, was not credible. Then it was disclosed that the documentation was actually a forgery.

Many of those documents have been made public. Yesterday a leading newspaper in Italy published the documentation and it was reported on the news channels last night in the United States that when those documents were carefully reviewed, it was found that, in fact, they contained things which on their face were ridiculous, names of ministers in Iraq and Niger who had not been in that position for years, supposedly official seals on documentation which, when examined closely, turned out to be patently false and phony.

So it was with that backdrop that the President, in his State of the Union Address, considered a statement concerning whether or not Niger had sold these fissile materials to Iraq.

It has been disclosed publicly and can be discussed openly on the Senate floor that there was communication between the Central Intelligence Agency and the White House on this issue. It is apparent now to those who have followed this story that there was a discussion and an agreement as to what would be included in the speech. The 16 famous words relative to this transaction have now become central in our discussion about the gathering and use of intelligence.

What I heard yesterday during the course of 5 hours with Director Tenet is that we have been asking the wrong question. The question we have been asking for some period of time now since this came to light was, Why didn't Director Tenet at the CIA stop those who were trying to put misleading information in the President's State of the Union Address? That is an important question. Director Tenet has accepted responsibility for not stopping the insertion of those words. But after yesterday's hearing and some reflection, a more important question is before the Senate. That question is this: Who are the people in the White House who are so determined to include this misleading information in the State of the Union Address and why are they still there?

That goes to the heart of the question, not just on the gathering of intelligence but the use of the intelligence by the Executive Office of the President. That is an important question. It is a question we should face head on.

An attempt was made last night by my colleague from New Jersey, Senator CORZINE, to call for a bipartisan commission, a balanced commission, to look into this question about intelligence gathering and the use of the intelligence leading up to the war on Iraq. His amendment was defeated by a vote of 51 to 45 on a party-line vote—all Republicans voting against it; all Democrats supporting it. Senator CORZINE's effort for a bipartisan, balanced, evenhanded commission was rejected by this Senate.

The amendment which I bring today offers to the Senate an alternative. If the Senate does not believe there should be a bipartisan commission to investigate this question, this use of intelligence, then what I have said in this amendment is that we are calling on the President to report to Congress, the appropriate committees in the classified and unclassified fashion, whether or not there was a misuse of intelligence leading up to the war on Iraq. Those are the only two options before the Senate.

In this situation, we have the Intelligence Committee in the House and the Senate looking at the classified aspect of this issue. We have said in the Senate that we do not accept the idea—at least, the Republican side does not accept the idea—of a bipartisan commission looking at this issue. So, clearly, the responsibility falls on the shoulders of the President.

This amendment says that the President will report to the appropriate committees of Congress on this use of the intelligence information.

Why is this an important discussion? It is particularly important from several angles. First, if we are engaged successfully in a war on terrorism, one of the greatest weapons in our arsenal will be intelligence. We will have to depend on our intelligence agencies to anticipate problems and threats to the United States. We will have to gather credible information, process that information, determine its credibility, determine its authenticity, and use it in defense of the United States. Now, more than ever, intelligence gathering is absolutely essential for America's national security.

Second, the President has said we are now following a policy of preemption; we will no longer wait until a country poses an imminent threat to the United States or our security. If the President and his administration believe a country may pose such a threat in the future, the President has said we are going to protect our right to attack that country to forestall any invasion or attack on the United States.

How do you reach the conclusion that another country is preparing to attack? Clearly, again, by intelligence gathering. Now, more than ever, in the war on terrorism and the use of a policy of preemption, we depend on intelligence. Those are the two central points.

Equally, if not more important, is what happened in the lead-up to the invasion of Iraq. For months, the President, the Vice President, and his Cabinet all sought to convince the American people this invasion of Iraq was not only inevitable but was, frankly, in the best interests of America's national security. The administration, the President, gathering the intelligence data, presented it to the American people in a variety of different fashions. We can all recall how this started. It was almost a year ago that in Crawford, TX, we first heard the President while he was in summer retreat suggest that something had to be done about Iraq and used the words ''regime change.''

Then, over the months that followed, a variety of different rationales came forward for the need to invade Iraq and remove Saddam Hussein. First and foremost—and nobody argued this point on either side of the aisle—Saddam Hussein was a very bad leader, not just for the people of Iraq but for the region and a threat to the world. His removal from power from the beginning was certainly something that everyone understood would be in the best interest of the people of Iraq.

But the obvious question was, if you are going to set out just to remove bad leaders of the world, where would you draw the line and what would those leaders do in response? So the administration said there are more arguments, even more compelling rationales.

First and foremost, in Iraq they were developing nuclear weapons. We recall that conversation. As evidence of that, administration officials talked about the fact that Iraq had obtained certain aluminum tubes that could likely be used for the development of new nuclear weapons.

Now, in fact, we know on reflection that there was even a debate within the administration whether these aluminum tubes could be used for nuclear weapons. Despite that, the administration said categorically, we believe they will be used for nuclear weapons and we believe that is a rationale for the invasion.

Second, on other weapons of mass destruction, chemical and biological weapons, the administration went so far in its presentation to suggest that there were 550 sites where there was at least some possibility of weapons of mass destruction. They went into detail about how these weapons could threaten Israel, could threaten other countries in the region, might even threaten the United States. That information was given repeatedly.

The fact is, we are 10 weeks after the successful completion of our military

invasion of Iraq. More than 1,000 inspections have been made in Iraq. No weapons of mass destruction have been found. There has been some small evidence related to the discovery of something buried in a rose garden that could have been a plan for the use of a nuclear device. There has been the discovery of these mobile units in trailers which might have been used for the development of biological weapons. Those things have been discovered but of the so-called 550 sites, the fact is we have not discovered or uncovered one as I stand here today.

I am confident before this is over that we will find some evidence of weapons of mass destruction in Iraq. It could happen as soon as tomorrow. I think that will happen. I believe that will happen. But we were told we were dealing with 550 sites. Statements were made by the President, the Vice President, Ms. Condoleezza Rice and others, that Saddam Hussein had arsenals of chemical and biological weapons. They have not been apparent.

To think in that lightning-fast conquest of Baghdad, somehow Saddam Hussein had the time to literally wipe away or destroy any evidence of weapons of mass destruction strains credulity.

What we have now is a serious question as to whether the intelligence was valid and accurate or whether it was portrayed to the American people in a valid and accurate way.

We also had allegations that Saddam Hussein was linked with al-Qaida. Of course, this is something of great concern to the American people. We know that the al-Qaida terrorists are responsible for September 11, the loss of at least 3,000 innocent American lives on that tragic day. We would and should do what we can in any way, shape, or form to eliminate al-Qaida's threat to terrorism. I joined the overwhelming majority of the Senate, giving the President the authority and power to move forward on this question as to whether or not we should eliminate al-Qaida and its terrorist threat. The fact is, now, as we reflect on that information provided by the administration prior to the invasion of Iraq, there is scant information and scant evidence to link Saddam Hussein and al-Qaida.

The list goes on. It has raised serious questions about the intelligence gathering leading up to the invasion of Iraq and the portrayal of that information to the American people. There is nothing more sacred or important in this country than that we have trust in our leaders when it comes to the critical questions of national security. When a President of the United States, with all of his power and all of his authority, stands before the American people and says: I am asking you to provide me your sons, your daughters, your husbands, your wives, your loved ones, to stand in defense of America—that, I think, is the most solemn moment of a Presidency. That is what is being questioned now. Was the information, for example, in the State of the Union Address, accurate in terms of America's intelligence? Two weeks ago the President conceded at least that sentence was not.

What I have asked for in this amendment is that the Bush White House come forward with information on the gathering and use of this intelligence. With this information, they will be able to tell us with more detail exactly how the intelligence was used, intelligence related to the possession by Iraq of chemical and biological and nuclear weapons and locations, the links of the former Iraqi regime to al-Qaida, the attempts of Iraq to acquire uranium from Africa, the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons, the possession by Iraq of mobile laboratories for the production of weapons of mass destruction, and the possession by Iraq of delivery systems for weapons of mass destruction, and any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

I go into particular detail in paragraph B of this amendment where it relates to the acquisition of uranium from Africa because I think this has become abundantly clear. Some person or persons in the White House were bound and determined to include language in the President's State of the Union Address which was misleading, language which the President has disavowed, language which in fact Director Tenet said should never have been included.

When you look at the uranium claims that were made in the President's State of the Union Address, and then read the statements made afterwards by members of the Bush White House, we can see on their face that we need to know more. Bush Communications Director Dan Bartlett, discussing the State of the Union Address, said last week that:

> There was no debate or questions with regard to that line when it was signed off on.

I will tell you point blank that is not factual, based on statements made by Director Tenet.

On Friday, July 11 of this year, National Security Adviser Condoleezza Rice said there was ''discussion on that specific sentence so that it reflected better what the CIA thought.''

Miss Rice said, ''Some specifics about amount and place were taken out.''

Director Tenet said Friday that CIA officials objected and ''the language was changed.''

White House Press Secretary Ari Fleischer said Monday, July 14, that Miss Rice was not referring to the State of the Union speech, but she was, instead, referring to President Bush's October speech given in Cincinnati—even though Miss Rice was not asked about that speech.

We have a situation here where the President and his advisers and speech writers were forewarned in October not to include in a speech in Cincinnati any reference to the acquisition of uranium by Iraq from the nation of Niger or from Africa. That admonition was given to a member of the White House staff and that element was deleted from the President's speech.

Now we have statements from the President's National Security Adviser suggesting that there was still some discussion that needed to take place when it came to the State of the Union Address. I will tell you that is not a fact. This amendment which I am offering is asking that we have final clarity on exactly what happened in the White House on this critical piece of information that was part of the President's most important speech of the year, his State of the Union Address.

White House Press Secretary Ari Fleischer also said on Monday, July 14, that while the line cut from the October speech in Cincinnati was based on Niger allegations, the State of the Union claim was based on ''additional reporting from the CIA, separate and apart from Niger, naming other countries where they believed it was possible that Saddam was seeking uranium.''

But Fleischer's words yesterday contradicted his assertion a week earlier that the State of the Union charge was ''based and predicated on the yellowcake from Niger.''

Consider the confusion and distortions which we have already received from this administration about that line in the speech, and what it was referring to. That is a clear indication that more information is needed, more clarity is needed. We need from the President leadership in clearing this up and, frankly, clearing out those individuals who attempted to mislead him in his State of the Union Address.

Miss Rice was asked a month ago about the President's State of the Union uranium claim on ABC's ''This Week,'' and here is what she replied:

> The intelligence community did not know at the time or at levels that got to us that there was serious questions about this report.

But senior administration officials acknowledged over the weekend that Director Tenet argued personally to White House officials, including Deputy National Security Adviser, Stephen Hadley, who is in the office of Condoleezza Rice, that the allegations should not be used in the October Cincinnati speech, 4 months before the State of the Union Address.

CIA officials raised doubts about the Niger claims, as Director Tenet outlined on July 11, last Friday. The last time was when ''CIA officials reviewing the draft remarks'' of the State of the Union ''raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues.''

Here is what it comes down to. We now have a battle ongoing within the administration over the issue of gathering and use of intelligence. The American people deserve more. They

deserve clarity. They deserve the President's disclosure. They deserve the dismissal of those responsible for putting this misleading language in the President's State of the Union Address. I think what is at stake is more than a little political embarrassment which this administration has faced over the last several days. What is at stake is the gathering and use of intelligence for the security of the United States of America.

This issue demonstrates the administration's intelligence-derived assertions about Iraq's levels of weapons of mass destruction-related activities raised increased concern about the integrity and use of intelligence and literally the credibility of our Government.

We now know that when Secretary Colin Powell, the Secretary of State, was to make his address to the United Nations several days after the President's State of the Union Address, he sat down and, it has been reported in U.S. News and World Report, for a lengthy gathering with Director Tenet at CIA headquarters and went through point by point by point to make certain that he would not say anything in New York at the United Nations which could be easily rebutted by the Iraqis. Secretary Powell wanted to be careful that every word that he used in New York was defensible. And one of the first things he tossed out was that element of the President's State of the Union Address which related to acquiring uranium from Africa.

Secretary Powell took the time and, with the right advisers, reached the right conclusion that certain things being said about Iraq that were being hyped and spun and exaggerated could not be defended. And he was not about to go before the United Nations Security Council and to use that information. He was careful in what he did because he knew what was at stake was not only his personal credibility but the credibility of the United States. That is why this incident involving the State of the Union Address is so important for us to look into.

On the question of weapons of mass destruction, on August 26 of last year, Vice President CHENEY said:

> Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.

On September 26, 2002, the President said:

> The Iraqi regime possesses biological and chemical weapons.

On March 17, 2003, President Bush told the Nation:

> Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.

On March 30, 2003, Secretary of Defense Donald Rumsfeld, said:

> We know where they are. They're in the area around Tikrit and Baghdad and east, west, south, and north somewhat.

Not only did the administration tell us that there were over 500 suspected sites Secretary Donald Rumsfeld was even specific as to their location.

Here we are 10 weeks later and 1,000 inspections later with no evidence of those weapons of mass destruction.

On the al-Qaida connection, last year Secretary of Defense Donald Rumsfeld described evidence about a connection between Iraq and al-Qaida as ''bulletproof.'' But he did not disclose that the intelligence community was, in fact, uncertain about the nature and extent of these ties.

In his speech before the United Nations Security Council on February 5, 2003, Secretary of State Colin Powell said, in addition to the al-Qaida-affiliated camp run by Abu Musab al-Zarqawi in areas not controlled by the Iraqi regime, two dozen extremists from al-Qaida-affiliated organizations were operating freely in Baghdad.

The claim of a close connection between the Iraqi regime and al-Qaida was key to the fears that Iraq could team up with terrorists to perpetrate another devastating attack on the United States. It is critical that the truth of these assertions be examined in light of what the United States has found during and after the war.

On the issue of reconstituting its nuclear weapons program in addition to the dispute about whether Iraq was trying to acquire uranium from Africa, the intelligence community was divided about these aluminum tubes that Iraq purchased and whether they were, in fact, intended to develop nuclear devices or only conventional munitions. Administration officials made numerous statements, nevertheless, expressing certainty that these tubes were for a nuclear weapons program.

In a speech before the United Nations General Assembly on December 12, 2003, the President said,

> Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon.

On September 8, 2000, National Security Adviser Condoleezza Rice said on CNN's ''Late Edition'' that the tubes ''are only really suited for nuclear weapons programs, centrifuge programs.''

On August 26, Vice President DICK CHENEY told the Veterans of Foreign Wars that ''many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon we cannot gauge.''

On March 16, the Vice President said:

> We believe he has, in fact, reconstituted nuclear weapons.

Consider these assertions and these statements leading up to our decision to invade. The hard question which has to be asked is whether the intelligence supported the statements. If the intelligence did not, then in fact we have exaggerated misleading statements which have to be made part of our record.

On the question of mobile biological warfare laboratories, Secretary of State Powell said in his speech to the United Nations Security Council that ''we know that Iraq has at least seven of these mobile, biological agent factories.''

On May 28, 2003, the CIA posted on its Web site a document it prepared with the Defense Intelligence Agency entitled ''Iraqi Mobile Biological Warfare Agent Production Plants.'' This report concluded that the two trailers found in Iraq were for biological warfare agent production, even though other experts and members of the intelligence community disagreed with that conclusion, or believe there is not enough evidence to back it up. None of these alternative views were posted on the CIA's Web page.

Did this Nation go to war based on flawed, incomplete, exaggerated, or misused intelligence?

I am a member of the Senate Select Committee on Intelligence, which is conducting this review. I support that review because there is a lot we need to get into. We have oversight responsibilities over the intelligence agencies.

I commend our Chairman, Senator ROBERTS, and our ranking member, Senator ROCKEFELLER, on that committee. They have requested that the Inspectors General of the Department of State and the Central Intelligence Committee work jointly to investigate the handling and characterization of the underlying documentation behind the President's statement in the State of the Union Address. I certainly support that investigation.

But the question of how intelligence related to Iraq was used by policymakers is a different question that simply must be determined.

What we are saying now is if the Senate, as it did last night, rejects the idea of a bipartisan commission to look into the question, at the very least we should say in this Department of Defense appropriations bill that the President has a responsibility to report to Congress on this use of intelligence and information. It really goes to the heart of the President's responsibility as the head of our country and as Commander in Chief. He needs to have people near and around him giving him the very best advice based on the best intelligence. It is not only good for his administration, but it is essential for the protection of this Nation.

I yield the floor.

Mr. STEVENS. Madam President, before the Senator leaves, I wish to say categorically that had I been the Vice President of the United States, based upon the intelligence briefings that I have participated in now for over 20 years, I would have made exactly the same statements the Vice President made.

I believe sincerely that the record of history shows clearly that Iraq has tried to acquire and did acquire nuclear capability in the past. The Israelis destroyed it once. We know he was trying again to reestablish them.

There is no question that he had weapons of mass destruction. He used

them on the Iranians. He used them on the Kurds. Gas is a weapon of mass destruction.

There is also no question at all that he had the vehicles to transport weapons of mass destruction. Why did he build the vehicles if he didn't have them?

This nit-picking at the language that was used—it was used, we now know, in error in terms of veracity as far as the reliance upon the concept of what the British had because it was later disclosed that one of the things they had was a forged document. Why did the United Nations, 17 times, ask to examine that country to find the weapons of mass destruction if the world did not believe he was after weapons of mass destruction, after he used them on the Iranians more than 15 years ago? They bombed the plant that absolutely had the reactor in it. And we knew he had weapons then.

I have to say that when we look at what has happened, when our troops went into those barracks after the war commenced, they found that the Iraqis had special masks to protect them against weapons of mass destruction. We don't have those kinds of weapons.

The Senator is a member of the Intelligence Committee. I am reliably informed that at a classified session yesterday he asked CIA Director George Tenet the very questions which he has asked on the floor, and he received the answers. Some of the Members don't like the answers, but they received them. Had Director Tenet took responsibility for a mistake in his agency—clearly he had problems about the way that document was handled and in terms of the speech.

This is the third time this has come up now on this bill. This amendment would fence the Community Management Agency of the CIA, one of the most important and vital works of the agency. It would take $50 million from them.

I am not going to do it now, but sometime in the future I am going to ask the Senator whether he believes that he never had weapons of mass destruction. Does he believe Iraq never had weapons of mass destruction? Does he believe there was no reason to go in there and do what we did?

The problem is this amendment standing alone would deny the following programs funding:

Assistant Director of the CIA to allocate their collection efforts against terrorists and other high-priority target activities. This is their central community program.

Talking about the intelligence community, one of them is the National Drug Intelligence Center's Analysis of Information for Narcotraffickers—a vital concept that deals with counterterrorism activities.

The second is the National Counterintelligence Oversight Analysis Assessment of Vulnerabilities to Foreign Intelligence Services.

The next is efforts to improve the intelligence community's expertise in foreign languages.

This was identified as the key unmet need by the joint inquiry that investigated the 9/11 activities.

Each of those programs is essential to our national security.

In order to make his point on this concept, the Senator again seeks to fence off $50 million for those vital activities. I hope the Senate listens to us about what he is willing to do in order to make this statement again.

I shall move to table this amendment. But, again, I have been asked this question many times personally at home by the press and by family friends. Some of us are exposed to intelligence at a very high level of Government. We can't come out and talk about it.

I noticed in the paper yesterday that some of our people because of this issue are starting to ''lip off'' about intelligence matters that should be classified. The Senate and the Congress should come back to order on that. We are allowed access to classified information—and to have us, because of some question about one phrase in the President's speech, suddenly decide that classification means nothing, is wrong, and it is not in the best interest of the United States.

Now, Senator INOUYE and I have been involved in extremely classified information for years. As a matter of fact, at our request, there was what we call a ''tank'' built in our building so we could have those people come visit us and we would not have to go out and visit the CIA or the other intelligence agencies. And we do listen to them.

Based on everything I have heard—everything I have heard; and the two of us have shared the chairmanship of the Defense Appropriations Subcommittee, which is defense intelligence related, since 1981—everything I have heard convinces me, without question, that Iraq tried to develop a program of weapons of mass destruction, and did, in fact, have weapons of mass destruction. And we were justified—just as the Israelis were over 15 years ago when they went in and bombed one plant—we were justified to go in and just absolutely disestablish that administration because it had rebuked the U.N. 17 times in terms of the attempt to locate those weapons of mass destruction and to do what Saddam Hussein agreed he would do after the Persian Gulf war. He agreed to destroy them. He admitted he had them. He agreed to destroy them. And we tried to prove he destroyed them. Now, what is all this question about whether he had them? Because he admitted he had them.

It is time we settle down and get back to the business of providing the money for the men and women in uniform around the world, and to ensure that the people who conduct our intelligence activities have the money to do what they have to do.

The extended debate on this floor about intelligence activities because of that one 17- or 16-word—I don't remember—the small phrase in the President's State of the Union message is starting to really have an impact on the intelligence-collecting activities of this country. We do not want to besmirch that. We have the finest intelligence service in the world. If someone made a mistake—and now it has been admitted there was a mistake; not in whether or not he was trying to put together his nuclear weapons program—the mistake was in reference to what the British did have; and it was later found that the foundation for what the British thought they had was a forged document.

Intelligence is absolutely essential to a nation that bases its capability to maintain peace on force projection, and we have to rely on many people to provide us information. Human beings make mistakes. God forbid that anyone would ever say because of one mistake we should harness the core efforts of our intelligence efforts and deny them the money this bill has for them to proceed until this commission, which the Senator wants to create, reports. I cannot believe we would delay the release of these funds for those reasons.

The ongoing efforts of the Intelligence Committee are known. The Senator is a member of the Intelligence Committee. We who are members of the Subcommittee on Defense Appropriations have access to everything they have access to, because we manage the money that finances the agencies they investigate. So there is a whole series of us here who have access to extremely classified information.

We classify it primarily because there are so many people involved that many lives might be in jeopardy if we disclose the sources of that information or we disclose the impact of that information in terms of the relationship to some of the programs we are funding today.

I urge the Senate to settle down. I urge the Senate to settle down. We do not need this continued debate about the words in that State of the Union message. That is history, and it is going to be examined in terms of politics in the future.

Now we had arranged the schedule this morning so we could conduct our business and still start the markup of four separate appropriations bills. I must be absent now as chairman of the committee for a period of time.

I move to table the Senator's amendment, and I ask unanimous consent that the vote on that occur at a time to be determined by the majority leader after consultation with the minority leader. At the time of the stacking of votes on this and other amendments, I shall seek approval for a recorded vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Madam President, reserving the right to object, I ask what the Senator's intention is regarding the schedule right now after the Senator concludes his remarks?

Mr. STEVENS. Madam President, I have a motion to table. Has the motion to table been accepted by the Chair?

The PRESIDING OFFICER. The Senator has a unanimous consent request.

Mr. STEVENS. Madam President, I ask unanimous consent that the time for that vote be determined by the majority leader after consultation with the minority leader.

Mr. REID. Madam President, I reserve the right to object. The Senator from Illinois is also a member of the Appropriations Committee, but he wants to have an opportunity to respond.

Mr. DURBIN. I do.

Mr. REID. He can do it any way he chooses. We are not going to have a vote right away, so he can attempt to have the floor. I wonder if the Senator from Alaska would—we have no right to object in any way to the motion to table, but the Senator from Illinois has more to say.

Mr. STEVENS. I have no objection if the Senator wishes to respond. I wish to get my motion to table on the record, and I am happy for the Senator to speak after that motion in relationship to the amendment. I have no problem with that. I just want to get my part of this business done so I can go chair that committee markup.

The PRESIDING OFFICER. The motion to table is pending.

Mr. STEVENS. Is there an objection to my request that the motion to table vote be postponed until a time certain to be determined by the majority leader after consultation with the minority leader?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am prepared to yield the floor, and you can talk as much as you want.

Mr. REID. Has the unanimous consent request been agreed to?

The PRESIDING OFFICER. No, it has not.

Without objection, it is so ordered. The request is agreed to.

Mr. REID. Madam President, before the distinguished chairman of the Appropriations Committee leaves the floor, the Senator from Minnesota asked a question: What are we going to do now? We have a number of amendments lined up. We are not going to do those because the two managers of this bill are members, of course, of the Appropriations Committee, as are Senator DURBIN and myself.

Mr. STEVENS. Will the Senator yield?

I would be prepared to make a request that after Senator DURBIN makes his remarks there be a period for morning business during which the Senator from North Dakota may be able to speak for up to 30 minutes on a matter not related to this bill.

Mr. REID. Reserving the right to object, the Senator from Wyoming wishes to speak for 10 minutes, I am told, on the bill itself.

Is that right?

Mr. THOMAS. Yes. I was going to follow up on what has been said.

Mr. REID. The Senator from North Dakota has no objection to him going first, he being the Senator from Wyoming.

Mr. STEVENS. That is fine.

Madam President, I ask unanimous consent that the Senator from Wyoming have 10 minutes to speak on the bill, and following that time, the Senator from North Dakota have 30 minutes as in morning business, and following that the Senator from——

Mr. DAYTON. Minnesota.

Mr. STEVENS. Minnesota.

Mr. DAYTON. I would like to speak on Senator DURBIN's amendment. I would agree to 5 minutes.

Mr. STEVENS. Could it be that we agree to 30 minutes of debate pertaining to matters relating to this amendment, notwithstanding the motion to table has been made? Is that agreeable? That will give us enough time to get back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Also, Mr. President, if I could, Senator KENNEDY is going to be here at around 11 o'clock. Of course, that has slipped.

Mr. STEVENS. It is roughly 11 o'clock.

Mr. REID. He will offer the next amendment. Perhaps then Senator BYRD will. Really, we are narrowing the number of amendments that are going to be offered.

Mr. STEVENS. Mr. President, I don't know what the Senate would do without the assistance of the distinguished Democratic whip. We have in history Light Horse Harry, and this is our ''Heavy Horse'' Harry. He does the heavy work around here, and we all appreciate him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, pursuant to the unanimous consent agreement, I can assure my colleagues I will not take 30 minutes. I will be extremely brief because I already stated my case in support of this amendment. But I would like to respond to the Senator from Alaska.

He and I have had some titanic struggles on this floor over a variety of issues, but I have the highest regard and respect for him personally. I am certain he did not mean to suggest nor did he say I have disclosed any classified information in my statement this morning. I would not do that, not knowingly. What I have disclosed to the Senate, in preparation for a vote on this amendment, has all been a matter of public record and published information.

There are many other things I have learned as a member of the Senate Intelligence Committee to which I can't make reference, because it is classified and very important, that remain classified. But I don't know which bill you would go to if you didn't go to the Defense Department bill to deal with questions of intelligence. It is one of the few, if only, bills coming before the Senate relating to intelligence gathering. We don't have a full blown discussion here about appropriations for the Central Intelligence Agency and all the intelligence aspects of the Federal Government. It is a carefully guarded secret of our Government as to how much is being spent and how it is spent. Many people have objected to that over the years. I understand their objections. I also understand the wisdom that we try to keep in confidence exactly what we are doing to gather information to protect America. About the only place where we openly discuss the funding of intelligence is in this bill. If you don't come to this floor on this bill to suggest that we can do a better job in gathering intelligence to protect America, then, frankly, there is no other appropriations bill to which you can turn.

I assume you might argue that the Department of Homeland Security, our new Department, has some aspects of intelligence. Maybe that argument can be made. But the most compelling argument is on this bill, the Department of Defense bill. That is why this amendment is not superfluous or out of line. This is where the amendment needs to be offered because what we are saying is, America is only as safe as the men and women who are protecting it, men and women who are in uniform, literally putting their lives on the line, and men and women working for our Government gathering information so that we can anticipate threats and make certain we protect the people.

What I have said in this amendment is we, clearly, know now that in the President's State of the Union Address statements were made which the President has disavowed as not being accurate and which the Director of the Central Intelligence Agency has said should not have been included because they were misleading. That is a critical element.

We gather across this Rotunda in the House of Representatives once a year, the combined membership of the House and the Senate, the Cabinet, the Supreme Court, the diplomatic corps, to hear the President deliver the State of the Union Address. It is his most important speech of the year. He outlines to the people the accomplishments of our Nation and the challenges we face.

This President came before us last January in an atmosphere leading up to an invasion of Iraq, a war. I don't think there is any more serious undertaking by a government than to say we are going to war. We are asking our citizens to put their lives on the line for the security of America. The President came to the people with that message.

We now know that at least one major part of that message—they say it is only 16 words but it was a major part of his message—was not accurate.

Do I think the President intentionally misled the American people?

There is no evidence of that whatsoever. I have not heard a single person say he intentionally misled the American people in making that statement. But I will tell you this, there were people in that White House who should have known better. They had been warned 4 months before not to use the same reference in a speech the President was giving in Cincinnati. They had been told by the CIA that the information was not credible, could not be believed, should not be stated by the President of the United States, and that section was removed from the President's speech in October.

Those same people in the White House, bound and determined to put that language in the President's State of the Union Address, put in misleading language which attributed this information not to our intelligence, because our intelligence had disavowed it, discredited it, said we can't believe it.

No, they attributed it to British intelligence. Our people believed the British intelligence had been wrong from the start and yet we allowed that to be included in the speech.

Across America and around the world, people heard our President say that Iraq was acquiring uranium—or attempting to—from Niger in Africa to develop nuclear weapons. That is a serious charge. It is as serious as any charge that has been made against Saddam Hussein's regime. Someone in the White House decided they would cut a corner and allow the President to say this by putting in that phrase ''based on British intelligence.''

I would think the President would be angered over the disservice done to him by members of his staff. I would think the President would acknowledge the fact that even if Director Tenet could not discourage that member of the White House staff and stop them from putting in that language, the President has within his ranks on his staff some person who was willing to spin and hype and exaggerate and cut corners on the most important speech the President delivers in any given year.

That is inexcusable. This amendment says that this President will report to Congress on exactly what happened in reference to that State of the Union Address, that finally we will know the names of the people involved, that they will be held accountable for this misconduct which has caused such embarrassment, not just to the President, not just to his party, but to our Nation.

We need to be credible in the eyes of the world. When statements such as the one made by the President are clearly disavowed by the President, it affects our credibility.

Last night we tried to create an independent bipartisan commission to look into this question in an honest fashion. It was rejected on a party-line vote with every Republican voting against it.

Now I have taken the second option. Now we call on the President himself. Harry Truman from Independence, MO, used to say ''the buck stops here,'' when it comes to the President. The buck has stopped on the President's desk. The question is, What will he do to establish his credibility, to make certain that the next State of the Union Address is one that is credible in the United States and around the world and to make sure those people who misused the power of their office to lead him to make those misleading statements are removed once and for all?

It is a painful chapter in American history but it is one we cannot avoid. So long as it is unresolved, there will be a shadow over the intelligence gathering and use of this administration. That is not in the best interest of national security. It is not in the best interest of the people.

We in Congress have our responsibility, as a coequal branch of Government, to enforce oversight and to make certain that the American people are well served.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Following the custom of alternating back and forth, I am prepared to defer to my colleague from Wyoming. I would like to inquire as to his intentions to speak.

Mr. THOMAS. Madam President, my understanding was that I was going to have 10 minutes, then we would go to Senator CONRAD, and then the Senator from Minnesota.

The PRESIDING OFFICER. It is correct that the Senator from Wyoming has 10 minutes, to be followed by the Senator from Minnesota.

Mr. REID. I am sorry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Is the consent agreement, as interpreted by the Chair, that the two morning business matters will be completed prior to debate on the motion to table? That seems a little unusual.

The PRESIDING OFFICER. The Senator from Wyoming is speaking on the amendment for up to 10 minutes.

Mr. REID. I apologize.

Mr. DAYTON. I have asked unanimous consent that following the conclusion of the remarks of the Senator from Wyoming, I might speak on the amendment for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Madam President, I rise to discuss similarly what our floor leader said a few moments ago in terms of this bill before us. We are here to talk about the Defense appropriations. We have gone on now for a couple of days focusing on this matter of uranium from Africa. It seems to me that we need to focus on the issue that is before us and that is supporting our troops where they are, the Defense appropriations that we have, and probably the most important, certainly the largest appropriations that is before us.

I have been listening now for some days and listening to the media, the charge that the 16 words President Bush uttered during his January State of the Union have been false. This is what he said:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That is what was said. So we say this may be false because in fact the British Government continues to stand by the assertion even if the CIA does not. So what Mr. Bush said about what the British believed was true in January, and it is still true today. That is what the British believed.

Now do we need to take a look at our intelligence system? Of course, that is very important to us. But anyone who thinks every piece of intelligence is going to have certified truthfulness behind it, of course, is being naive. Because that is not the way things work.

It is so clear this is so political that it really is kind of hard to accept. In fact, there are ads out now, political ads, assailing the President's credibility, and they go ahead and quote what the President said. But interestingly enough, they leave off the words ''the British government has learned.''

They leave those off. Doesn't this give you some feeling that we are taking this a little more politically than we are anything else? It seems to me that is the case. We are here now and this whole matter of weapons of mass destruction is an issue we are all concerned about. But this matter of uranium is not the reason we are in Iraq. Saddam Hussein used chemical weapons on his own people, his neighbors. Clearly, the production facilities were making chemical and biological weapons. There is no question about that.

In September 1980, Iraq invaded Iran, and Iraq used chemical weapons. In 1988, chemical weapons were used against Iraqi Kurdish, killing 5,000 Kurds. After Operation Desert Storm, February 18, 1991, in the terms of the cease-fire, Iraq accepted the conditions of the U.N. Security Council resolution. That resolution required Iraq to fully disclose and permit the dismantling of the weapons of mass destruction. That did not happen. That is why we are there.

This idea of leading us off the track because of the uranium is not really the issue. Should we look at our intelligence system? Of course. We do that constantly. But we don't need to take away the dollars that are in this bill for those agencies while we take a look at it. There is nothing more important in the world today than to have intelligence.

I just think we need to cut through some of the things that have been going on here and we need to get down to what issues there are that affect our defense and the American people and deal with those. Politics is fine, but this is not the place to continuously

use items that are obviously just political and try to take away the credibility of the President, which is one of his greatest assets, and I understand that. I understand that we are in an election cycle and so on. I really think it is time to deal with the important issues. We are having hearings. I think we need to move on and deal with the issues before us—to continue to clean up the situation in Iraq, look for peaceful solutions. That is really what it is all about.

I will not take any more time. For a couple of days, I have been listening to this constant recital of the same sort of thing. It seems to me it is pretty clear where we are. We are in Iraq for a number of reasons, this being a very slight impact on the decisionmaking. What we are really intent on doing is getting on with these appropriations bills, supporting our military, providing a strong military so we can continue to do the things we have to do. But this idea of continuing to try to contain an issue and make it something more than it really is seems to me to be worn out.

I hope we can move forward. We have a lot to do. We need to deal with the issues that are before us. I don't think this particular amendment is useful. We already have a system for looking at this. Withholding money pending a third-party operation simply doesn't make sense. I hope we will table this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. I fully concur with my colleague that we need to conclude our work on this bill. This is the third day we have been on this matter. There are several hundred billion dollars involved; it is one of the most costly measures we consider every year. The majority leader said we will complete work on the bill tonight. I expect we will do so with that instruction. I am prepared to stay late, as others of my colleagues are, to talk about these issues. I cannot think of anything that is more profoundly important to this country today and to the future of this Nation and to the world today and to the future of the world than what we are addressing, which is the circumstances that caused the President of the United States to make, as my colleague from Illinois said, an onerous and fateful decision to start a war, doing something that was unprecedented in our Nation's history—to initiate a war against another country, invade another country.

Now, there may be other reasons cited for doing so, but under international law, under the U.N. Charter, of all the reasons cited by the administration for this action, the one that has no credence is the threat of an immediate and urgent attack against the United States by weapons of mass destruction with the missile capability to deliver them. That is what was stated and implied on a frequent basis by members of the administration last fall.

This is not about one 16-word inclusion in the President's State of the Union speech, as important as that is. This is about questions, as the Senator from Illinois said, that dictated the actions or influenced the actions of Congress last October in voting to give the President the authority to initiate military action, which the President followed through on 6 months later, for which we have 145,000 sweltering Americans in Iraq today. I was there 2 weeks ago in 115-degree temperatures. If anything, they are even hotter than that at this point in time. Some of those incredibly brave young men and women won't come home to their families and friends alive. They will give the ultimate sacrifice on behalf of their country.

So these are profound matters. I commend my colleague from Illinois for his careful choice of words and his reasoned approach to these matters, in recognition of his position on the Senate Intelligence Committee, his restraint in sharing only unclassified information to support his amendment, which I am proud to support myself.

We have tried on this side of the aisle in the last days to strike some bipartisan agreements about how to address matters of disclosure of financial expenditures for this military undertaking. We talked with the distinguished chairman of the Senate Appropriations Committee about where the money is in this bill for the purposes of the ongoing military operations in Iraq and Afghanistan.

The chairman informed us that 2 days ago, in the 2003 supplemental appropriations, those funds were provided that are being drawn down for the purpose of conducting these military operations in those two countries and we should expect another supplemental appropriations request to be forthcoming early in the next calendar year. That same day, however, the comptroller for the Department of Defense was quoted as saying there remains only $4 billion in that account. Given the statement of the Secretary of Defense to our Senate Armed Services Committee the week before that we are spending, on a monthly basis, $4.8 billion in Iraq and Afghanistan combined, it is quite obvious that that $4 billion is going to last them less than another month.

So we have tried and we have not been as successful as we should be because it ought to be transparent to this body exactly what is being spent, where it is being spent, and we ought to be appropriating, as others have pointed out—Senator BYRD first and foremost among them—that we ought to be doing this through proper channels.

Yesterday, as the Senator from Illinois said, we tried to get an agreement for a bipartisan independent commission that would be established and that would bring, it is my conception, the distinguished senior Americans, those whose credibility and integrity and experience and wisdom are unquestioned and would bring forth for the benefit of this body, but most importantly for the benefit of all the American people, what are the facts in these questions that have been raised and how do they instruct us in terms of the veracity of our intelligence information and the veracity of our political leaders.

Yesterday there was an editorial in the Washington Post which stated just that. It said: ''Wait for the facts.'' It cited the President's remarks in his State of the Union Address, the 16-word sentence that has received so much attention. It went on to say:

> If so, that would represent one of several instances in which administration statements on Iraq were stretched to reflect the most aggressive interpretation of the intelligence.

That, I believe, is a carefully phrased way of saying what I said earlier in my remarks. There were several times last fall when the implication was made or the assertion was stated that these weapons of mass destruction were not only developed but were poised to be used against the United States and that they constituted an immediate and urgent threat to our national security which, as I said before, both under U.N. charter and international law, is the single legal basis for the United States to invade another country: The threat of imminent attack or the actual attack itself.

As the most powerful nation in the world, the one that has led the way for over the last half century in not starting wars—finishing wars successfully, but not starting them—for us to engage in now the first of what the President has articulated as the doctrine of preemption, where we will initiate those wars, we will attack first, in the judgment of this Senator is a very unwise course which will dangerously destabilize the world if it becomes the normal practice of nations, other than the United States—and we have to expect it will—to launch those kinds of attacks.

Last August, before the Veterans of Foreign Wars in Nashville, Vice President CHENEY said:

> There's no doubt that Saddam Hussein has weapons of mass destruction.

Secretary of Defense Donald Rumsfeld in September in Atlanta said that American intelligence had ''bulletproof'' evidence of links between al-Qaida and the government of President Saddam Hussein of Iraq.

In each case, officials have offered no details to back up those assertions. Mr. Rumsfeld said today doing so would jeopardize the lives of spies and dry up sources of information.

As was stated by a couple of my colleagues, we have to rely on this hidden information which can be alluded to, to prove just about any point anybody wants to make, but we cannot know the facts.

In October, the President himself made his argument, quoting an article

in the Chicago Tribune, for invasion, emphasizing the notion Hussein could strike the United States first and inflict ''massive and sudden horror.''

Finally, Secretary Rumsfeld, again testifying before the Armed Services Committee, said:

> The United States must act quickly to save tens of thousands of citizens.

I could go on with illustrations. My point is, we should let the facts speak for themselves. We deserve to know the facts. We deserve and must know, for the sake of our national security, whether the information we received from intelligence agencies was accurate, and we need to know for the sake of our democracy whether the representation of those facts by our leaders was accurate.

That is the intent of the Durbin amendment. It is the reason it should be approved by this body. It is the reason this body should do what is right, which is to seek together to know the facts.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank my colleagues for raising these important issues. I am going to take the first few minutes of my 30 minutes to talk on what has been discussed this morning because I think it is so important to the country, and then I will turn to another subject.

I have not previously spoken on these issues on the floor because my primary responsibility in the Senate is representing the State of North Dakota, and I have special responsibility for budget issues in my position as ranking member on the Budget Committee and as a senior member of the Finance Committee for matters that relate to Social Security and Medicare and the financing of the U.S. Government, and, of course, in my role on the Agriculture Committee dealing with questions of agricultural policy. I am not on the committees that deal with foreign policy and defense policy.

All of us have a responsibility to speak out when we believe the country is headed in a wrong direction. I believe the President is taking us down a road that is fraught with real danger for the country.

The President asked this Congress—the Senate and the House—for authority to launch a preemptive attack on another nation, an attack before that country had attacked us or attacked any of our allies. In fact, Iraq had not engaged in an attack on anyone for more than a decade. The President told us and told the world that they, Iraq, represented an immediate and imminent threat to America.

I personally believe there may be a place for preemptive attack in protecting the American people. I believe if we have clear and convincing evidence that a country represents an imminent threat to our people, we have a right to act first, especially in a world where weapons of mass destruction do exist, to prevent catastrophic loss to our Nation.

When we launch a preemptive attack on another country, we had better have it right. We had better make certain that what we are saying and telling the world is correct. This President and this administration told the world and told this Congress that Iraq had weapons of mass destruction. There were many reasons to believe that statement, but now the harsh reality is, those weapons of mass destruction have not been found. This administration and this President told the Congress and told the world that Iraq was trying to develop a nuclear capability, and they gave as their best evidence that Iraq was seeking to buy uranium from Niger. That has proved to be wrong.

The President told the world and told this Congress that there was a clear connection to al-Qaida, and repeatedly we were told the best evidence was there was a terrorist camp in Iraq training al-Qaida operatives. Now we learn that camp was in a part of Iraq not controlled by Saddam Hussein but controlled by the Kurds.

The day before yesterday, the President made the most astonishing statement of all. In the Washington Post, the President is quoted as saying that he attacked Iraq because Saddam Hussein would not permit the U.N. weapons inspectors into the country.

I do not know if the President was misquoted. I have seen no attempt to correct the record. I said nothing about this yesterday because I hoped that the White House would say the President was misquoted. There has been no attempt to correct the record.

We all know the weapons inspectors of the U.N. were in the country. They were in Iraq. They were going site to site trying to determine if there were weapons of mass destruction, trying to determine if there was a nuclear program underway in that country. For the President to now say he attacked Iraq because they would not permit inspectors absolutely stands the facts on their head. The inspectors were there. The reason the inspectors left is because we were threatening to attack Iraq. So saying that Saddam Hussein did not permit inspectors in as a rationale for war is mighty thin.

We have a fundamental problem of the credibility of the Nation. Our country told the world a set of assertions, one after another, that have proven to be wrong or have proven not to be demonstrably the case. That puts our country's credibility at risk. When we are talking about attacking other nations preemptively, as I said in the beginning, we better make certain we have it right because if we start going around the world attacking countries and cannot prove our assertions that they represented an imminent threat to us, then I think America is in very serious risk of alienating the world community. That is not in our interest.

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. REID. Senator DURBIN had to go to an appropriations meeting, but he asked that I relate to the Senate, and I will do it through the Senator from North Dakota—is the Senator from North Dakota aware there is a Web site the President has—I am sure the Senator is aware of that; is that right?

Mr. CONRAD. Yes.

Mr. REID. Well, I am aware of the fact that there was a part of that Web site that one can no longer get into. ''Behind the Scenes'' is what it was entitled. I hold up in front of the Senator now something that was on the Web site that one could go to, but one cannot anymore, talking about how the President prepares the State of the Union Message.

It says: Behind the Scenes, State of the Union preparation.

And it shows the President with his hands out there. It shows the President going over his speech word by word.

Under this, it says: While working at his desk in the Oval Office, President Bush reviews the State of the Union address line-by-line, word-by-word.

I want the Senator from North Dakota to know that Senator DURBIN—this is on his behalf but certainly I underline and underscore what he wanted to be printed in the RECORD—we are to a point that the Senator from North Dakota said we are. It is the credibility of not necessarily going to war in Iraq, which is certainly part of it, but the credibility of this country in the world. Can the United States of America, the great country that it is—can people depend on the word of the President of the United States? And certainly in that they have taken this off the Web site, it indicates that there is certainly a problem with the President going over his speech word-by-word, line-by-line.

Mr. CONRAD. I say to the Senator, I have not said anything for weeks on this issue, but with each passing day I become more concerned about the credibility of our Nation. When a policy is announced of preemptive strike, something we have never done before in our country's history—I remember going to grade school and being taught that America never attacked first, but if somebody attacked us, we countered and we always won. That was what we were taught growing up. I was proud of it. I was proud that America never attacked first.

Now the world has changed. I would be the first to acknowledge the world has changed. I can see a role for preemptive strike in a world where weapons of mass destruction do exist in order to prevent catastrophic loss to this country. But we better be very certain before we launch an attack on another nation that that attack is justified and that, in fact, that nation represents an imminent threat because, if we start attacking nations and we cannot prove our assertions, very quickly

the rest of the world is going to doubt our word, our credibility, and our basic goodness as a nation. Now, that is serious business.

The fact is, this administration told the world Iraq had weapons of mass destruction; that they were trying to develop nuclear capability; that there was a connection to al-Qaida. Each and every one of those claims now is in question. It is not just 16 words in the State of the Union. It is far more serious than that.

For the President, the day before yesterday, to compound it by saying he attacked Saddam Hussein because he did not permit U.N. weapons inspectors in that country is false on its face. We all know the weapons inspectors were there. We all know they were going site to site trying to find weapons of mass destruction. The question of whether or not they were effective or not is another question but to assert to the world that we attacked Iraq because there were not inspectors there, I am afraid it makes us look as though we are not very careful with our claims.

(The further remarks of Mr. CONRAD are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The Durbin amendment is before us.

Mr. KENNEDY. I ask unanimous consent that it be temporarily laid aside so that my amendment will be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1280

Mr. KENNEDY. Madam President, I send an amendment for myself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN, proposes an amendment numbered 1280.

Mr. KENNEDY. 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 limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through '': *Provided further,* That the'' on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) requires a determination regarding whether the offers submitted meet the needs of the Department of Defense with respect to items other than costs, including quality and reliability;

(3) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(4) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

Mr. KENNEDY. Madam President, this is an issue which we have considered a number of different times. I know the manager of the bill is familiar with the amendment. I know he is necessarily absent at this time, but he does know the substance of the amendment, and he is involved in the activities of the Appropriations Committee.

I will make a presentation and then engage with him when he returns to elaborate and summarize again the reasons and the rationale for this amendment.

I also understand it is both the desire of leadership and the floor managers to move the process along. I will be glad to work out with the managers of the bill a time for the Members to consider this amendment in a timely way.

Basically, this is the issue. I will go through it in more careful detail in just a few moments.

In 1993, we had approximately 1 million Federal employees. It has been the desire and the plan of this administration in the last 2½ years to see that the number of Federal employees is reduced dramatically and that there be outsourcing.

The amendment which we are proposing today follows and embraces the Commercial Activities Panel recommendations on outsourcing so that it will be fair to employees and fair to the taxpayers. This is an excellent report that was made up of contractors and other distinguished panel members. It was recommended in the Defense Authorization Act of 2001. The panel adopted as its mission to improve the current sourcing framework and process so that they reflect the balance among taxpayers' interests, Government needs, employee rights, and contractor concerns.

That is what this panel recommended.

The administration has been selective in part of the recommendations this panel has taken.

This amendment would include the two principal recommendations which the current administration has refused to include. They are included on page 50 of the Commercial Activities Panel. I will describe them in greater detail. But the sum and substance of this amendment is effectively to follow the recommendations that were made in a nonpartisan way which is going to ensure we are going to get the best for the taxpayer dollar and treat the Federal employees fairly.

The current administration has carefully eliminated two very important protections the panel recommended. This amendment incorporates those two recommendations in the administration's consideration for the outsourcing which will, if accepted, ensure that as the administration is considering the most efficient way to get the most efficient result as a result of contract competition we will carry forward the mission, in this case, of the Federal employees and the taxpayers.

That is what I think we ought to try to do. We ought to do what is fair to the taxpayer and to the employees. The current system does not. This amendment will.

Of the Federal employees that we are talking about, 40 percent are veterans. At the current time, 9,000 of these workers have been activated. A great many of them are over in Iraq. This is a wonderful set of circumstances.

While on the floor of the Senate, we say we care about our service men and women in Iraq, and we have several thousand of them over in Iraq who happen to be Federal employees. Forty percent of the Federal employees are veterans, and we are about to do them short shrift, if we do not accept the amendment which I offer. I think that is something which would be unworthy of this body at any time and would be unworthy of this body at this particular time.

The Office of Management and Budget put in place this year the most sweeping changes in rules on outsourcing of Government work in half a century. These rules contain no requirement for fair competition that would enable the Government employees an opportunity to demonstrate that they can do the work more effectively and for lower cost than private contractors.

Now the administration wants to use these new rules to privatize at least 225,000 Department of Defense civilian jobs in the years ahead. That is too much work, too many jobs, and too much of our national security to contract out without fair competition.

As I mentioned, nearly 40 percent of the civilian employees in the Department of Defense are veterans who served this Nation proudly. More than 8,000 are activated reservists serving in Iraq and other parts of the world defending our Nation. We owe it to these patriotic Americans not to privatize their jobs without fair competition.

At a time when we are spending $4 billion a month in ongoing operations in Iraq, we should ensure the taxpayers are getting the best value for their money. Yet one of the most significant parts of the administration's proposal for the Department allows so-called ''streamlined'' competition for activities involving 65 or fewer employees. The streamlined rules emphasize speed in privatizing Federal jobs at the expense of quality and cost. The process must be finished in 90 days. The rules eliminate important fair competition requirements.

Federal employees are at a competitive disadvantage because the rules do not allow them to submit their best bids known as the ''most efficient organization'' plans. That is in contrast to the recommendation. They effectively prohibit Federal employees from being able to submit their best bid.

The rules also eliminate the guarantee of cost savings because they fail to require contractors to show appreciable savings by privatizing the work.

That is why I offer this amendment today, to ensure that no funds are spent on contracting out Defense Department jobs without fair competition. This amendment is about fair competition.

Federal employees must be allowed to offer their best bids. Competition must take into account both the cost savings and the quality. And the health care costs for employees cannot be a deciding factor because Federal employees would obviously be at a disadvantage, and contractors would have an incentive to deny health benefits at all.

There are companies that do not provide the health care benefits. If they are in competition with the Federal employers who do provide it, it obviously skews it in favor of the private companies. We do not want to use the competition, in terms of Government contracts, to encourage employers to drop their health insurance for their employees. That certainly would be counterproductive in terms of all of the challenges we are facing in the health care area. Under this amendment they are not disadvantaged, therefore, by providing the health benefits to the Federal employees.

This amendment in no way prevents public-private competition. It is a moderate approach to ensure that competition is fair and leads to cost savings.

The Commercial Activities Panel, the group charged with reviewing outsourcing policies, has recommended that any replacement for the current competition process should include ''the right of employees to base their proposal on a more efficient organization, rather than the status quo.'' This is their second recommendation under section 4, on page 50:

> [T]he right of employees to base their proposal on a more efficient organization, rather than the status quo.

That particular recommendation is eliminated, which obviously disadvantages the Federal employees in terms of the competition.

The panel, comprised largely of contractor and administration representatives, made no exception for functions involving 65 or fewer employees. This is just a figure that was drawn by the administration.

The Commercial Activities Panel also recommended that any replacement in the current competition process should include a minimum cost differential, which requires the private contractor to be at least 10 percent or $10 million more efficient than the Federal Government.

Without the minimum cost differential, a private contractor could be judged just a few dollars more efficient and take the work away from the Federal employees. Taxpayers would actually lose money on such a contract because of the significant costs of conducting the competition, shifting the work to the private sector, and administering the Government's role in the contract. Unless the private sector can show a significant reduction in the cost, it makes no sense to privatize the work.

That has been thoroughly reviewed in this panel, and yet their recommendations on the 10 percent or $10 million requirements are effectively eliminated. This panel reviewed the various minimum standards that ought to be included and made their recommendations, but the administration has effectively eliminated those. This amendment, again, embraces their overall recommendations.

On the issue of health care costs, the amendment would reduce the perverse incentive for contractors to provide inferior health care benefits to the employees. The amendment would require the Defense Department to determine the average cost of health insurance for a Federal employee, which remains the same each calendar year for each employee.

If the health care costs for Federal employees and private contractors are the same or the contractor's contribution is in excess of the standard established by Congress for the Federal workforce, then the provision will have no effect. But if the contractor's contribution is less than the Federal standard, the contractor cannot receive an unfair advantage in the cost comparison process.

This provision addresses a bipartisan concern about inferior or nonexistent health insurance coverage for employees, particularly for those who perform the Federal Government's work.

At a time when we are more concerned than ever about homeland defense, these OMB rules give an unfair advantage to private contractors who have little accountability. Yet critical aspects of our national security could be privatized.

The repair of planes, ships, and tanks, and the storage and distribution of vital weapons and supplies can be contracted out under these rules. We all know what a disaster it was when the private companies screened bags at our airports. Now Federal workers are doing the job better and Americans are feeling safer.

Today, there is far too little real competition for contracts to provide goods and services to Federal agencies. We should be getting the most out of every taxpayer dollar. But less—listen to this—less than 1 percent of Department of Defense service contracts today are subject to full public-private competition.

Adoption of this amendment will lead to a better and more efficient procurement policy for the Department of Defense. No jobs would be outsourced without an analysis showing cost savings. Government procurement should be based on what is best for taxpayers and national defense and national security. The amendment will produce real savings for the taxpayers and more reliable equipment for our courageous men and women in uniform.

We face great challenges to the Nation's security in these difficult times. More than ever, we rely on the Department of Defense, its dedicated members of our Armed Forces, and its dedicated civilian employees. We owe it to all of them to see that any competition process treats them fairly.

Let's not spend money on outsourcing that results from unfair competition and produces inefficient results. Public-private competition

should be fair to Federal employees. I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of the Kennedy amendment. A–76 is a program that was implemented by the Government several years ago to try to make sure that contracts let in the public and the private sector are actually saving money. Are the taxpayers getting the best bang for the buck that was intended at the time the contracts were let?

Folks in the public sector have never minded competing with the private sector for any type of public contract. The problem with A–76 is, when they go back and review those contracts that have been let, it seems they always go review the contracts that were awarded to the public sector and they never go to the contracts that were awarded to the private sector.

If A–76 is going to be fairly applied to the public sector, it ought to be applied to the private sector. That is simply not the way A–76 has worked over the years.

I complained about the previous administration on this issue, I complain to the current administration on this issue, and we have simply seen no change in the policy with respect to A–76.

Competition is what makes our country go round and round in the business community. Nobody minds competing if they are in business for the right reason. And when it comes, in my case, to the instances where I have the most experience—in the public depots—we have never minded competing with the private sector for a contract when it comes to repair or improvement of our military weapons systems. But every time we get awarded a public contract, it seems that 1 year, 2 years, or 3 years out, all of a sudden we are seeing an A–76 that is submitted and the folks come in and review the contract that has been awarded to the public depot, while, on the other side of that coin, the dozens and dozens and dozens and billions of dollars in contracts that are awarded to the private sector are never subject to the A–76 review.

Senator KENNEDY's amendment goes a long way toward righting that wrong. I support that amendment. I support making competition open, making competition fair between the public sector and the private sector. And if the administration is not going to take the initiative to do that, and make sure that is the fact of the matter in contracts that are awarded to the public sector, then this is the type of action we have to take.

I support the amendment.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so the Senator from Wisconsin, Mr. FEINGOLD, can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. What is the pending business at this time?

The PRESIDING OFFICER. The Kennedy amendment has been set aside in order for the Senator from Wisconsin to present an amendment.

AMENDMENT NO. 1279

Mr. FEINGOLD. 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 Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1279.

Mr. FEINGOLD. 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 state the sense of the Senate on a report on the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole)

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) the President should, in consultation with the Secretary of State, the Attorney General, and the Director of Central Intelligence and taking into account limitations connected with ongoing legal proceedings, submit to Congress a report on the circumstances surrounding the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole; and

(2) the report should—

(A) describe the efforts undertaken by the United States Government to investigate security at the Yemen detention facility holding individuals suspected of being involved in the attack on the U.S.S. Cole, including information on when such efforts were undertaken;

(B) describe the efforts undertaken by the United States Government to monitor the status of such individuals throughout their detention and to question such individuals about their relationship to al Qaeda and their involvement in the attack on the U.S.S. Cole; and

(C) describe the efforts undertaken by the United States to determine how the escape occurred and to determine who was involved in aiding and abetting the escape.

Mr. FEINGOLD. I rise today to offer an amendment directly relevant to the most important national security priority before this country today. That, of course, is the fight against international terrorist networks that have murdered Americans.

We have heard a good deal recently about some questionable assertions made by the administration in the lead-up to the military action in Iraq. We still have not satisfactorily resolved concerns that I and some of my colleagues raised in the lead-up to the war in Iraq that I referred to and have referred to for almost a year as the ''ever shifting justifications for United States action in Iraq.''

Congress is right to keep asking questions. The American people are right to demand answers. They deserve a complete and public accounting of how a piece of intelligence that was removed from a Presidential speech last fall because of doubts of its veracity then found its way into this year's State of the Union Address.

I rise to point out the administration's shifting justifications and flawed intelligence are not the only problems. There is another problem, and I argue it is as alarming or even more alarming. The problem is while all of this was underway—that is, the Iraq activities—while we were hearing less-than-accurate information as part of the administration's hard sell, we may well have been dropping the ball when it comes to addressing the most urgent threat to our national security; that is, combating the al-Qaida terrorist network and other international terrorist networks of global reach.

Of course, the horror of September 11, 2001 is seared into the memory of all Americans, but there have been other horrors: The African embassy bombings of 1998 and, yes, there was the attack on the USS *Cole* in Yemen. On October 12, 2002, the USS Navy destroyer *Cole* was attacked by a small boat laden with explosive during a brief refueling stop in the harbor of Aden, Yemen. The attack killed 17 members of the ship's crew, including a sailor from my home State of Wisconsin, and wounded 39 others. The evidence clearly indicates al-Qaida was responsible for the attack on USS *Cole*.

However, how many people know on April 11, 2003, just a few months ago, 10 men suspected of involvement in the *Cole* bombing escaped from a prison building in Aden, Yemen? How many people have heard about that? It is not only the basic information that has been in short supply; explanations for this escape of these al-Qaida suspects is also hard to come by.

In early May, the Yemeni foreign minister suggests in remarks made to the BBC that ''part of the problem is the long period of time during which they [the suspects] were held.'' The Yemeni government called for sending them to court, but Washington also asked for postponement until the conclusion of its investigations into the *Cole* explosion or the file of terrorism in general.

The comments continue: ''Incidents like this happen, especially when prisoners spend a long time in one place and guards become reassured that the prisoners have become used to prison and will not escape.''

This Yemeni statement suggests the U.S. Government was certainly aware of the detainees and involved in the issue. That is, of course, something we

would expect in this case, about people who were in prison in Yemen whom we knew to be the likely people involved in the bombing of our USS *Cole*.

On May 15, the Justice Department unveiled a 51-count indictment against two of the escapees, Jamal al-Badawi and Fahd al-Qusaa. The two were indicted on various terror offenses, including murder of United States nationals and murder of United States military personnel. The indictment said Badawi was recruited by senior members of Osama bin Laden's inner circle and he bought the attack boat in Saudi Arabia and obtained the trailer and truck used to tow the boat to Aden harbor. The press conference at which the indictments were announced underscored the seriousness of this matter. Obviously, given the press conference held by the administration official, this is not a small or a marginal issue.

We are talking here about the escape of operatives of Osama bin Laden. We are talking about people here who murdered 17 Americans. Fighting those forces, the forces of al-Qaida, must be our first priority.

When I wrote to the State Department and the Justice Department to gain some answers about just what happened here, I have to tell my colleagues, the answers were not satisfying in the least. In fact, a number of questions remain.

What were the circumstances surrounding the detention of the suspects? Where were they held? Were they moved? Where were they moved? What steps did the administration take to ensure the United States was familiar with the status of people suspected of involvement in a terrorist attack on our sailors? Did anyone representing the United States Government ever question these suspects? Did anyone ever visit the facility where they were being held? Did anyone even bother to visit the facility after the escape to try to understand how they escaped? Was the U.S. Government involved in any way in monitoring these detainees prior to their escape?

Again, I am talking about al-Qaida operatives. The indictment of Jamal al-Badawi indicates he was recruited by members of Osama bin Laden's inner circle. If he was a known al-Qaida operative, why didn't the United States take steps to monitor the detention facility where he was held? What do we know about the circumstances surrounding their escape? What kind of help did they have? Do the facts tell us anything about whether the decisions to facilitate the escape were taken only at a low level or were they taken at a higher level? If these escapees had help, what happened to the people who helped them? What does the U.S. Government know about these people and about what they are doing now? What steps have we taken to urge that those people be held accountable for their actions? What steps are currently being taken to find and detain the escapees? What steps are being taken to ensure they do not reach United States soil?

It is not unreasonable to expect answers to these questions. My very modest amendment simply expresses the sense of the Senate that the administration should provide them in the form of a report on this incident. If such a report needs to come in a classified format, I understand that, of course, and that is fine. What is not fine, though, is the prospect of letting this issue go unexamined. This escape occurred just as our brave troops were entering Baghdad, at least in part, in the name of stopping the threat of terrorism.

We cannot afford to be easily distracted, incapable of focusing on a global effort to stop terrorists because of our intense focus on other issues with only a nebulous connection to this most important priority of stopping international terrorist networks. I fear we have wondered far afield from the urgent task at hand. I am troubled that the same administration that was recklessly threading together any and all justifications for a war with Iraq a few months ago may have at the same time been complacent about the status of the USS *Cole* attackers.

This past Sunday on Meet the Press, Secretary Rumsfeld suggested that finding Saddam Hussein was more important in terms of providing, in his words, ''closure'' than finding Osama bin Laden. I know the al-Qaida network consists of far more than one man, but I fear the Secretary's remarks are emblematic of the problem. First and foremost, I believe the American people want to defeat the forces that attacked us. But this administration is leading us in some unrelated directions. We should be focused on stopping al-Qaida, stopping other terrorist networks, and denying terrorists access to resources, opportunities, and safe havens.

We all deserve to know what happened with this escape. All of us should join together in determining what lessons we can learn from this incident and what it tells us about where we have been placing our national security focus and priorities.

I urge my colleagues to support this amendment.

I intend to withdraw the amendment at this time, but we will certainly be revisiting this issue. I hope the administration will hear those words and respond to the need for the answers to these questions. The legislative option certainly remains available on other, perhaps more appropriate, vehicles. But given my inability to get answers to these questions thus far, I believe it is necessary to begin the process of raising this matter in the legislative process itself.

AMENDMENT NO. 1279 WITHDRAWN

Mr. President, I ask at this time to withdraw the amendment.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield the floor and 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. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield to my colleague from Nevada.

Mr. REID. Mr. President, I was speaking on the floor the other day about a statement on President Bush's Web site. I read from that one site. I had been told earlier that part of the Web site was no longer available to the public. Since that time, I have been advised that is not true. If that were the case, I would want that stricken from the RECORD. I would, however, say that doesn't take away from the fact part of the President's Web site indicates that he reads every word of his speeches, especially his State of the Union speeches, and works on it on a word-by-word basis.

Mr. JOHNSON. Mr. President, we are currently debating the Defense appropriations bill.

I wanted to call to the attention of my colleagues reports in the media this morning that the new U.S. military commander in Iraq has acknowledged now for the very first time that American troops are engaged in what he calls a ''classical guerrilla-style war'' against the remnants of the former Iraq President Saddam Hussein's Baath Party. He acknowledges that the attacks are growing in organization and sophistication.

These statements by Army GEN John Abizaid in his first Pentagon briefing since taking charge of the U.S. Central Command last week are in stunning and sharp contrast with earlier statements from Defense Secretary Donald Rumsfeld. It was only 2½ weeks ago that Secretary Rumsfeld insisted that the U.S. military was not involved in a guerrilla war. As Secretary Rumsfeld said as recently as Sunday on ABC News, the fighting in Iraq did not fit the definition of a guerrilla war.

I think it is important that the American public and we in the Senate acknowledge the circumstances that our troops now find themselves in a near unilateral circumstance because of the unwillingness or the inability of this administration to attract an international coalition for the aftermath of the Iraqi war.

Now it was also reported yesterday yet another American was killed in a rocket-propelled grenade attack, making him the 33rd U.S. soldier killed since President Bush declared major combat over, and the seventh soldier killed since President Bush, 2 weeks ago, said ''bring 'em on'' to the Iraqi militants. In addition, the pro-American mayor of an Iraqi city was also assassinated.

Minnesota Public Radio this week quoted Mary Kewatt, the aunt of a soldier killed in Iraq, saying:

President Bush made a comment a week ago, and he said ''bring it on.'' Well, they brought it on, and now my nephew is dead.

Our Nation would be better served, and the security of our troops would be better served, if our President would spend less time trying to look and sound like a grade-B movie cowboy and a little more time providing some leadership to internationalize this situation in Iraq, and to give our troops some notion of when they are coming home.

I have to believe if President Bush had his two daughters in service to the military in Iraq, and his family's blood was on the line—as are thousands of American families', including thousands of America's daughters whose lives are also at risk—he may have thought twice before goading the Iraqi guerrilla war fighters to take another shot at America's military's finest in that country.

So we find ourselves now in a circumstance where we have morale problems reported because our troops have no idea when they are coming home. We now have an indication that there are few troops readily available to sustain a force of the 148,000 we have in Iraq.

The Army has 33 Active Duty combat brigades. There are now 16 in Iraq, two in Afghanistan, two in South Korea, and most of the rest are either committed to other missions or reconstituting, leaving just three brigades to send to Iraq as replacement forces.

The recruitment of multinational forces has been largely a failure because of the administration's insistence that everything be run through the United States rather than through the United Nations or NATO.

The Army indicates they are likely to activate two or more enhanced National Guard brigades by the beginning of next year for rotation to Iraq by March or April. And I quote: ''Every possible unit worldwide is being considered for the possible rotations.''

It is troubling that we continue not to see a long-term strategy that is international in nature. We continue to see the blood being the blood, almost exclusively, of American troops. We see the financial cost as being almost exclusively the burden of American taxpayers, as we are being told now the expenditures will run easily $4 billion per month for as far as the eye can see.

To put that in some perspective, we are not able to fully fund the VA health care program for the entire year for all of the veterans of our Nation who have served our country because we cannot find the $2 billion for the entire year, but we are spending $4 billion in a month in Iraq. We cannot fund our schools; we cannot fund our prescription drug program at a decent level.

So I think people have to wonder, How long will this go on? We cannot cut and run. The decision has been made. We are there. The world is a better place without Saddam Hussein, there is no question about that. But we do have to wonder why it is the United States should have to serve as a unilateral police force for the world, why the administration has not found ways to internationalize this issue, given the good will that was extended to us from allies all around the world post 9/11. That seems now to have been badly eroded.

So I hope our President will spend a little more time on international diplomacy, a little more time rethinking his budget priorities, a little less time posing for photo opportunities and trying to sound like a tough guy, when, at the time, it is our young men and women whose lives are at great risk, and will be at great risk on and on and on into the future if things do not change soon.

We can take great pride in the courage, the professionalism, the skill of our American military. They are second to none. They are the finest military in the world. But these unending deployments are going to cause great morale problems, are going to cause problems with recruitment and retention of our military. It is making a shambles of too many of their families' lives and their businesses.

We need to find a way so that it is not the United States that has to carry single-handedly this kind of burden on into a limitless future. I think the circumstances we find ourselves in now are testimony to, frankly, inadequate planning, unrealistic planning about what was, in fact, going to occur after the major military portion of the attacks in Iraq. Somehow there were these naive notions that the expatriates from Iraq would step in, we would decapitate the leadership, and all would go on well and easily. That is not the case. Now we find ourselves in a full-blown guerrilla war. The United States is in up to its neck now.

We owe tremendous gratitude to our soldiers who are fighting in these circumstances. We need to find a way, this administration needs to find a way so we do not find this lasting forever, that our taxpayers wind up being drained, that families all across this country wind up going through such tremendous emotional and other hardships, as we find ourselves virtually exclusively out on our own on the front lines in this very difficult part of the world.

So as Prime Minister Blair comes to visit with us later on this afternoon, I am hopeful perhaps this will be the beginning of a more realistic assessment on the part of the Bush administration about what, in fact, will have to come next. And what will have to come next will have to be an international alliance, not the exclusive energy and budget and blood of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from South Dakota leaves the floor, I want to make everyone aware of the fact that Senator JOHNSON and his wife Barbara have a son, as we speak, in the United States Army. In 5 years, this young man has been to war four times. So a lot of people could come to the floor and speak as Senator JOHNSON has spoken and not have the credibility or the foundation or the understanding he has. But he and his dear wife have spent many a worried hour wondering if their son was going to come home.

So I applaud my friend, the distinguished junior Senator from South Dakota, who is such a fine Member of the Senate, for yesterday and today coming in and giving the Senate the benefit of his thoughts, thoughts no one can render but for having had a son in harm's way as a result of being in the United States military.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, to follow up on the comments of the Senator from South Dakota, he alluded to the presence of over 100,000 United States troops in Iraq. As it turns out, if you look across the globe today, we have United States forces stretched around the world in places and numbers we have not seen for a long time—not only Iraq but Afghanistan, Bosnia, Korea, Japan, Germany, and many other places.

We support the deployment of those military personnel through a combination of sealift and airlift. When I served on active duty during the Vietnam war, we were fortunate in having so many more overseas bases from which we could forward deploy or resupply. Many of those bases are closed today, and we rely instead on a mixture of different kinds of aircraft, military and civilian, and on sealift, a variety of ships to serve as a bridge, a sea bridge or an air bridge, to connect this country to our troops deployed around the world.

The air bridge is changing. In this country we are seeing the retirement of an older aircraft built in the 1960s. The C–141 is being retired. It is being replaced by a newer aircraft, a very good aircraft called the C–17. To date, we have received about 100 of those new cargo aircraft and about another 80 have been placed on order and will be coming into the fleet in the coming years. We have as part of that air bridge C–5s, perhaps the largest cargo aircraft in the world, 74 C–5As built in the 1970s, about 50 C–5Bs built in the 1980s. A third part of this air bridge is the C–130. We have them in the Delaware Air National Guard, and they are in air guards throughout the United States. But it is really those three aircraft—the C–5, C–17, the C–130s—that enable us to resupply our troops and to move our men, women, materiel, and weaponry around the globe.

The C–5 carries enormous amounts of cargo, roughly twice the amount of a C–17, at distances roughly twice the distance of a C–17, even more cargo than a C–130 and greater distances than the C–130. The C–5s have been used in the Iraqi war and Afghanistan to move

men, women, and materiel, equipment, from the United States into theaters. And the movement of those personnel and that equipment within theater has fallen largely to C–17s and to C–130s.

I wish I could stand here today and say the combination of ships we have in our sealift capability and aircraft as part of our air bridge is sufficient to meet our needs. Our sealift capability is inadequate. Our airlift capability is in even worse shape.

I have an article—this is a June 2 edition of Air Force magazine—where they talk a good deal about the squeeze on air mobility—not just my words but the words of the top people in military airlift in the Air Force who cite examples of how our inability to move as much personnel, as much equipment as we sought made it difficult in some cases for us to implement our game plan in that part of the world. If the current assets, especially the current air assets we have within the Air Force, are insufficient to provide sufficient airlift, what might be sufficient?

Every so often, the Air Force is asked or directed to do another update to look at their assets and what we expect to be the need for airlift in the years to come and to tell us and the administration what their needs are. We need a new analysis and we need an update.

My hope is the language in the Defense bill, the authorization bill which is now in conference—that out of that conference will come clear direction for the Air Force, authorization for the Air Force to update that last study which is called MRS–05, out of that update will flow a good deal of the information we need.

We don't need another study or another analysis to tell us that the resources we have on the airlift side are woefully inadequate. The answer is more, not less. A critical question for us in this body, especially as we face a budget deficit this year of $450 billion, is how do we go about meeting our woefully inadequate airlift capability, how do we do that in a way that is cost-effective and in a way that recognizes that we have these huge deficits and that as far as the eye can see they continue. I want to talk about that.

I would like to talk for the next several minutes about a cost-effective airlift, and then later today Senator BIDEN and I, along with Senator CHAMBLISS and others, will offer an amendment that we believe addresses in good faith how we might make some progress on that front today.

There are some who would like to take our C–5s, the fleet—there are 74 C–5As and 50 C–5Bs—some would like to get rid of all the C–5As, send them to the boneyard and let that be that. They have some interest in upgrading or modernizing the C–5Bs but less interest in doing anything for the C–5As.

As it turns out, we are going to be flying C–5As and C–5Bs for a good long while, probably for the remainder of this decade on both As and Bs and, for Bs, well beyond that; even programs for As well beyond this decade. There has been a lot of debate in this Chamber in the last couple years on how we might upgrade the capability of the C–5 to make it more mission capable.

The Air Force pays a lot of attention to a number called the mission capable rate for aircraft. The mission capable rate for the new C–17 is in the mid 80s—it does a really fine job—the mission capable rate over the last 12 months for the C–5As, about 60 percent; the mission capable rate for the C–5Bs over the last 12 months, 72 percent. Two upgrades have been proposed to both aircraft. One of those upgrades is fairly inexpensive, the second expensive.

The less expensive upgrade is the Avionics Modernization Program. The Avionics Modernization Program would enable us to take a 1970s cockpit of a C–5A or a 1980s cockpit of a C–5B and turn it into a 21st century cockpit. Not only would it look different, the plane would fly differently, would be controlled differently. The communication gear would become 21st century communications equipment. Its reliability and effectiveness would be enhanced as would that of the crew—new training, avoidance equipment, the ability to actually fly at very accurate levels of altitude to enable us to get the maximum advantage out of the airspace in the skies in which we fly.

The avionics modernization package costs about $3 million per aircraft. Between fiscal years 2002 and 2003, the Congress authorized and appropriated money to install the avionics modernization package in a total of 10 C–5 aircraft. This year, in the fiscal year 2004 authorization bill, there was an authorization for 30 additional kits, for the cockpits, communications systems, and all. In this bill, there is money appropriated for 18.

Let's go back. I talked about the number of C–5s we have: 74 C–5As, 50 C–5Bs. The Air Force is in the process of retiring 14 of the least dependable C–5As, the ones that are least mission capable, that create the most maintenance headaches. So we will end up with 60 C–5As and 50 C–5Bs later this year or next. The Air Force would like to see their C–5s AMPed, or fully equipped with this new upgrade, the avionics modernization package, by fiscal 2007. In order for us to meet that schedule, we need to appropriate not AMP kits for 18 C–5As in 2004 but for 30 to get us back on schedule. That 30, plus the original 10, will take us to 40 AMP kits for C–5s. That would leave about 70 more we would need to fund in 2005, 2006, and 2007.

What do we get out of AMPing the aircraft? Among the things that we get is better mission capable numbers. Last week I was privileged to meet with the four star general who is the commanding officer of our airlift mobility command, and I asked him: In terms of mission capable improvement, what can we look for? For each avionics modernization program that we put in a C–5, how much improvement would we get?

He said it would be anywhere from 3 to 5 points of improvement of mission capability in each aircraft. That could mean taking the C–5 numbers, the A numbers, for the last year where the mission capable rate was 60 and bring it up to 63, or even as high as 65. It would take the 72 percent mission capable rate from the C–5Bs from the last 12 months and raise it to 75 percent, or maybe as high as 77 percent.

If you think about it, if we were to actually install the AMP kits in all C–5As and Bs, at roughly $3 million apiece, the cost to the Treasury is about $350 million. If you multiply 3 percentage points or 5 percentage points—let's take somewhere in between, say a 4-percent increase in the mission capability rate for AMPing C–5s. If you multiply that 4 percent across the whole 110 C–5As and Bs we have in our inventory at the end of this year, we end up with the equivalent of about—because of improvements in mission capability rates—4.4 additional C–5 aircraft.

The cost of getting those four additional C–5 aircraft is about $350 million. The cost of a new C–5 or a new C–17 is a whole lot more than that. We can get four equivalent C–5s simply out of being more mission ready and mission capable by AMPing, installing the avionics modernization package in all the C–5s.

I want to talk a moment, if I could, about those who are interested in doing something about the As, not the Bs. I have talked about this first improvement, this first retrograde, the avionics modernization package.

The second piece is reengining, referred to as RERP. Reengining the C–5s would be a next step and a far more expensive step. We would not only change up the engines and install the same kind of engines that are on Air Force One, we would make major changes in the hydraulics and landing gear. Those are the major areas that cause downtime on the C–5s.

If you put together the improvements in mission readiness for AMPing the aircraft and another 3 to 5 percentage points, and from 10 to 15 percentage points by reengining the aircraft, you are talking about improvement in mission capability rates for the C–5As from roughly 60 percent to somewhere in the mid-70s, and improving the mission capable rate of the Bs from the low 70s to somewhere in the mid-80s.

There was a big debate a year or two ago on whether or not we ought to go forward and install both the first inexpensive fix, the avionics modernization package, and the reengining, just appropriate money to do both. The agreement that was struck was to do both fixes on a total of three aircraft. We are going to install the avionics modernization package on one C–5A and two C–5Bs. We are going to install the reengining package, new engines, hydraulics and landing gear and other

changes, on one C–5A—the same A—and two C–5Bs. We are going to fly them for a while and see how they work. If they work as advertised, or if they continue to have a high failure rate—and I have a hunch they are going to work—we are not talking about developing a new engine, we are talking about taking the same engine as on Air Force One, a modern aircraft engine, and it will give us 10,000 hours between changes of engines instead of 1,000, and it will make a huge difference in our mission capable rate.

Somewhere down the line we will have the opportunity to have those test aircraft—three of them—in the air, flying for a year or so; we will see how they are performing and we will then make the decision as to whether we want to invest more money in either of those retrofits.

I think that is smart. When we are talking about spending that kind of money, we ought to upgrade the planes and fly them for a while and see if they work as advertised.

The avionics modernization package has already been installed in at least one aircraft, and more are coming. The aircraft that it has been installed in was actually installed ahead of schedule and within budget. The early test is going well.

The Air Force has chosen a site on the east coast and one on the west coast to continue the work that has begun on the avionics modernization package installation for the C–5s.

We should go forward and put the C–5 avionics modernization package in as many C–5s as quickly as we can. Those are not my words. Those are the words of the four star general who actually heads up military airlift command. Those were his words as recently as last week. He said: Provide for us as many AMPed C–5s as you can, as quickly as you can.

The reason is that it is a fairly cheap fix to get aircraft readiness up and to give him the aircraft tails, if you will, that he needs in order to support our troops in Afghanistan, Bosnia, Iraq, and other places around the world—probably Liberia next. Who knows.

Let me close with this thought. Sometimes we are asked to appropriate money on this floor and we are asked to appropriate money for defense projects and others that have not been authorized by the authorizing committee. These 12 additional AMP kits, avionics modernization packages, for the C–5s have been authorized in both the House authorization bill, the Defense bill, and the Senate authorization bill. The authorizing committees are on board.

Sometimes we are asked to appropriate money when a branch of our Armed Forces has not expressed interest in a particular kind of weapons system or project or gizmo. In this case, these 12 kits, on top of the original 18 in the bill, are in the Air Force's list of unfunded priorities.

Sometimes we are asked to appropriate money when neither the aircrews who fly these planes nor the maintenance folks who maintain them nor the four-star generals in charge of the whole show really think it makes a lot of sense. In this case, the aircrews who fly them, the maintenance crews who maintain them, and the four-star general who is in charge of the whole show say we need as many C–5s AMPed as quickly as we can.

Sometimes we are asked to appropriate dollars to buy a capability that is not needed. In this case, we need airlift. We need it. We need it today; we needed it last month; we needed it last year; and we are going to need more of it next year. We cannot meet the current demands for airlift.

If we actually put on all of our C–5s between now and 2007 the avionics modernization package, it is the equivalent of giving the Air Force three, four, or as many as five additional C–5 aircraft with which to meet their missions.

Sometimes we are asked to appropriate dollars for items that are not cost-effective. I am going to tell my colleagues, to get the effect of three or four or five additional C–5 aircraft for $350 million by simply raising mission capability by anywhere from 3 to 5 points per aircraft for $3 million apiece is a bargain in this world, and it is one we should not pass by.

If we end up with a mix of C–5As and C–5Bs—let's say in C–5Bs you have a cockpit that is 21st century—modern communications equipment, modern terrain avoidance, altitude separation equipment—and you end up with C–5As that have not been modernized or a 1970 cockpit with the old altitude separation equipment, the old terrain avoidance, the old communications gear—we put our crews in a difficult or maybe dangerous situation.

Today, C–5 aircrews move from C–5As to C–5Bs and fly them interchangeably. It does not matter because one aircraft is very similar to the other. The people who maintain the aircraft maintain the C–5As as easily as they can maintain a C–5B. Most of the spare parts fit interchangeably with the C–5Bs. I would not want to say to a crew today: You are going to fly the C–5B with the new avionics modernization, you are going to get in a 21st century cockpit and fly this aircraft, and then say to the same crew: Tomorrow you are going to fly the old aircraft with the old cockpit, with the old equipment.

I would not want to say to the maintenance crews: We expect you to maintain this old aircraft, and a lot of them are located at the same bases. Do we expect them to maintain the same aircraft—it is a differently configured aircraft in the cockpit—and expect them to have the expertise and training to do maintenance on an entirely different cockpit?

Finally, in terms of keeping spare parts, we do not put the spare parts at Air Force bases that have C–5As. There are Air Force bases around the world and in places where we support troops and have airlift.

I would not be making a big deal about this if the wings on the C–5As or C–5Bs were about to deteriorate and fall off. They are not. The wings and fuselages of the C–5As and C–5Bs, according to the experts, have another 30 or 40 useful years of life on them.

Mr. STEVENS. Will the Senator yield?

Mr. CARPER. I will be happy to yield.

Mr. STEVENS. Mr. President, the Senator from Delaware is a pilot and I am a pilot, and we are quite interested in this subject. We have had fairly long discussions about C–5As and C–5Bs. As I have told my friend from Delaware, I have conferred at length with the Air Force, and the Air Force just does not want to have money earmarked solely for C–5As. They will agree, if we want to do so, to specifically state that this money we have in the bill can be used for C–5As or C–5Bs for the kits. Some of the C–5As may, in fact, be eligible for such new kits, making them, as the Senator would say, 21st century capable.

The Air Force, however, objects to this amendment because this amendment—the Senator from Delaware has not offered it yet, but the Senator from Delaware is considering it, and I have reviewed it—would take money from the overall account. It would, in fact, diminish the moneys that are available for C–17s and other procurement of aircraft.

We are more than willing to allow the Air Force to make the determination which C–5As should be modified by these kits, but, again, I have to state to my friend, we must oppose the concept of having this money taken from the procurement account for the purpose of modernizing the C–5s against the wishes of the Air Force.

There is a study underway, as I understand it, which may identify C–5As that would be kept. I would even be willing to specify the money could be used for any of those planes that were designated in that mobility study to be eligible for the kits. But the Senator's amendment is still not acceptable.

I hope he will work with us and work with our staff in the remainder of the afternoon and see if we can work out something that is agreeable.

We have deterred from the regular order to which we agreed last night, and that was that Senator BYRD would offer the next amendment. So I hope my friend from Delaware will allow a distinguished senior Member of the Senate to proceed with his amendment, and we will try to work out some kind of accommodation with regard to the amendment of the Senator from Delaware.

I know Senator BIDEN is also very much involved. Perhaps between now and the time we return from the address to be given to us by the distinguished leader of the British Parliament, we can come to some satisfactory agreement with the Senator from Delaware.

Mr. CARPER. Mr. President, Senator BIDEN indicated he is interested in offering the amendment after Prime Minister Blair addresses our joint meeting. So I will not do it at this time. If I can accept the kind offer of the chairman to find some common ground, I would very much like to discuss that with him and Senator INOUYE and their staffs.

Let me close, if I may. I see Senator BYRD is on his feet. I want to close.

Sometimes we are asked to appropriate money in ways that will not have much effect in a positive respect for those who fly our aircraft or for those who maintain our aircraft. As sure as we are gathered here today, a decision to put an avionics modernization package on our C–5As and C–5Bs will make those aircraft safer for the crews who fly them, it will make them easier to maintain for the folks in this country and around the world who are trying to maintain the aircraft as they meet their missions throughout the world, and it is a bargain for the taxpayers of this country.

Finally, it is a cost-effective—a highly cost-effective—way to maintain and to strengthen the air groups that connect us in this country to our disparate forces around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1281

Mr. BYRD. Mr. President, 216 years ago yesterday, in a sweltering room in Philadelphia, 55 men of extraordinary talents reached a most critical decision on the design of a new government for the United States. Days and weeks of acrimonious debate had failed to resolve disputes on the representation of each of the original 13 colonies. Men like Washington, Madison, Franklin, and Hamilton struggled over the issue of how the people of our Nation would be represented in their Government.

But then, on July 16, 1787, the Framers of what came to be our Constitution reached a breakthrough.

On that date, yesterday, 216 years ago, they struck a bargain that has come to be known as the Great Compromise. States with large populations would have the benefit of more numerous representation in the House of Representatives and States with small populations would be protected by equal representation in the Senate. Without that landmark agreement, work on a new constitution to replace the failed Articles of Confederation might have foundered.

Without the Great Compromise, we in this Chamber might never have met to debate the issues of the day. But as we debate the bill before us, one cannot help but recognize the perilous situation in which the United States finds itself with respect to our foreign commitments. We take up the fiscal year 2004 Defense appropriations bill at a time when nearly 150,000 of our troops are facing guerrilla attacks as they patrol Iraq.

While the administration had once predicted that our liberating forces would be greeted with smiles and covered with flowers, the Secretary of Defense is now warning that attacks on our troops may increase during the rest of July. In light of all of these facts, some may argue that we need to pass this bill soon in order to show support for our troops who remain under fire, nearly 17 weeks after the war in Iraq began and nearly 11 weeks after the President delivered his victory speech on the USS *Abraham Lincoln* where there was a banner over his head which proclaimed, ''Mission accomplished.'' There it was, that banner streaming above his head proclaiming, ''Mission accomplished.''

If we rush to pass this bill to show support for our troops in Iraq, we will be rushing for naught because not one thin dime, not one copper penny, contained in this Defense bill is for the additional cost of war in Afghanistan or Iraq.

There is not one red cent in this bill for the additional costs to support 150,000 troops in Iraq or the nearly 10,000 troops who remain in Afghanistan. Linking speedy action on this bill to support for our troops who are now standing in harm's way is what is known as a bait and switch routine. This is a bill that only funds our military as if we were in a time of peace, but we all know we are going to be hit with a massive bill for wartime costs in a couple of months.

Let there be no doubt, the amount of money we are spending in Iraq and Afghanistan is massive. Since September 11, 2001, Congress has appropriated $104.3 billion to the Defense Department for homeland security missions in pursuit of al-Qaida in Afghanistan and elsewhere, and the war in Iraq.

The total bill in Iraq so far, according to the Pentagon's comptroller, has reached $48 billion. The Secretary of Defense reported last week, I believe it was, to the Armed Services Committee that we are spending $3,921,000,000 each month for our occupation of Iraq, a figure nearly double that of its prewar estimates. Secretary Rumsfeld also reported that we are spending nearly $943 million each month for military operations in Afghanistan.

I opposed the war in the beginning. I opposed the war in Iraq. Contrary to White House charges of revisionist history—which I maintain, as far as the revisionist part is concerned, is on the side of the White House—I never believed that Iraq posed a clear and imminent threat to the United States, and I stood right on this floor and said that. I never believed, and so stated at the time, that Iraq posed a clear and imminent threat to the security of our country. But when the war in Iraq began, I stated I would do everything in my power to provide our troops with the funds needed to ensure their safety, even though I disagree with the policy that took them into Iraq.

GEN Tommy Franks said to the House Armed Services Committee on July 11 that our troops could be patrolling Iraq for the next 4 years, and the new commander in Iraq, GEN John Abizaid, acknowledged that our troops are facing guerrilla attacks. In today's papers he so stated.

We know our troops need money for food, fuel, ammunition and pay. There is no reason we must wait to provide for these needs until the administration requests its next stopgap spending measure. Congress should insist that these costs be included in the President's regular budget request.

I am sure it will come as a surprise to many Americans to know that the administration has not presented Congress with any request nor any explanatory detail regarding the costs that are racking up right now, this very minute, during our occupation of Iraq. The President has not requested any funding for the additional costs of the 150,000 troops who are expected to remain in Iraq for an extended period of time, nor has the President requested any additional funds for the cost of rooting out al-Qaida from Afghanistan.

The American people would be stunned to learn that the Senate is taking up a $368 billion appropriations bill for the Department of Defense that does not include one thin dime for the additional costs, the incremental costs, of the war in Iraq or the mission in Afghanistan.

When we start talking about appropriations, budget resolutions, and supplemental spending bills, the eyes of many Americans start to glaze over. While John Q. Public may not know the intricacies of Federal budgeting, he fully expects that somebody in Washington is watching over his taxpayer money and that somebody is making sure of its effective use, that somebody is asking questions about the expenditures of his monies. But when it comes to financing military missions overseas, the White House continues to try to turn the Constitution on its head. The White House wants to spend the money first and have Congress approve the funding later. When it comes to this war in Iraq and the aftermath of the conflicts in Iraq and Afghanistan, the administration views Congress like an automatic teller machine: Just put the request into the machine, into the ATM, and the money slides out in seconds, no questions asked.

Last October, Congress approved a resolution authorizing military action in Iraq. I voted against that. I am proud I voted against it. As long as I stay in the Senate, I shall keep the tally sheet right in front of me, as I sit at my desk in my office, showing the votes on that matter.

At the time, the White House and the Department of Defense asserted that the cost of the mission was not knowable. That is what the administration witnesses said before our committee—that the costs were not knowable.

The message from the White House was basically, trust me, trust me. It is your money.

We have heard that. We have heard that old saying right here. But in this instance, it is your money, trust me. They said they would send the bill, the costs to Congress when they knew more about the details of the mission.

Well, when the President submitted his FY 2004 budget to the Congress in February, he continued to keep Congress in the dark. He requested no funding for the war in Iraq. Why? The House and the Senate needed to pass budget resolutions that the President hoped would include $1.5 trillion of additional tax cuts. Perhaps the White House feared that a $60 billion bill for Iraq, just for FY 2003, might worry some Members who are concerned about deficit spending when it came to voting on the bill to cut taxes. On March 13, 2003, the Senate Budget Committee approved the budget resolution with $1.3 trillion of additional tax cuts and assumed no additional costs for the war in Iraq. On March 21, 2003, the House passed their budget resolution, including $1.3 trillion of tax cuts and assumed nothing about the cost of the war in Iraq. On March 26, the Senate passed a budget resolution that assumed over $800 billion in tax cuts. What was curiously missing from the conference report was an amendment that had been offered by Senator FEINGOLD and approved by the Senate to set aside $100 billion for the war in Iraq.

When did the White House finally send up their request for a supplemental for the costs of the war in Iraq? The White House waited until March 25, 2003, to submit a massive $62.6 billion request for the Department of Defense—6 months after the Congress considered the resolution to authorize military action in Iraq, 2 months after the President submitted his FY 2004 budget to Congress, and 1 week after the war in Iraq began.

Once the request was made to the Congress, the White House put its foot on the gas pedal and insisted that Congress move rapidly to pass the request in order to support the troops that were already deployed in the field. One hearing was held on March 27. As I recall, the hearing was so compressed for time that Members were not even allowed to make opening remarks. On April 1, the Senate Appropriations Committee approved the President's total funding request for DoD. On April 3, the Senate approved the request. Thirteen days later, the Iraq supplemental for FY 2003 was public law.

So the administration strategy worked. The strategy goes like this. Force the Congress to make difficult choices with either inadequate information or bad information. Deploy the forces. Get the funding hook in the nose of Congress by putting the troops in the field. Go to war. Spend the money. And insist that Congress move promptly to approve the funding again, after it is spent and more is needed to replenish accounts.

Now the Senate has before it the FY 2004 Defense Appropriations bill. Once again, the White House is hiding the ball when it comes to facing up to the true costs of the mission in Iraq. Apparently, there will be no request for the additional costs of this mission until next February—after the fact. In other words, it will be a replay of last year. Meanwhile, there are 150,000 troops in the field in Iraq and 10,000 in Afghanistan, but no dollars to support them; no submission to Congress for how the money will be used; no oversight to ensure accountability; no plan for when the troops might come home; no plan for how to manage troop strength so that we do not have to keep our reserves deployed overseas for years at a time; no plan for attracting troops from other countries; no plan for seeking contributions from other countries to help cover the costs of the war and the peace in Iraq.

No, this White House wants to simply dictate the decisions and have the congressional ATM machine spit out the money.

The administration's only proposal so far is to slap down the national credit card and stick Congress and the taxpayer with a huge bill for supplemental appropriations somewhere down the road.

This is not an acceptable way to pay for our overseas missions. This is a blatant attempt to mislead the American people about administration policies that are leading to fiscal disaster. That is why I offer an amendment that states the sense of the Senate that the President should include in the budgets that he submits to Congress a specific request for funds to pay for our incremental costs in Iraq and Afghanistan.

We should put an end to this financial shell game of allowing the administration to hide the cost of occupation by using supplemental appropriations bills. My amendment would stop allowing this administration to hide the costs of these foreign adventures from the public. My amendment calls on the President to be up front with the American people about how much money we will really need to support our ongoing military operations overseas.

Congress needs to start holding the administration accountable for the funds that it spends for our military. We need to scrutinize the President's budget to make sure that we are getting the best value for our taxpayer money. If the administration keeps secret how it is spending the money appropriated to it for Iraq and Afghanistan, there is no check on its activities.

In the weeks before the war, the chief U.N. weapons inspector lambasted Saddam Hussein for playing a game of ''catch as catch can.'' The chief U.N. weapons inspector excoriated the Iraqi regime for submitting misleading documents that did nothing to reveal what that secretive regime was up to.

Why in the world is the U.S. Congress settling for a game of ''catch as catch can'' when it comes to having this administration be honest about how we are going to pay for the huge costs of occupying Iraq?

Why would the Congress, which holds the power of the purse—the Constitution has not been amended but 27 times, but not once in this matter. Congress still holds the power of the purse. It rests here in the people's branch.

Why would the Congress, which holds the power of the purse, settle for misleading budgets from the President that are intended to disguise the enormous budget deficit by excluding the costs of occupation of Iraq and Afghanistan?

We have to plan for these huge costs. There ought to be some tough questions asked about some of these expenditures. For example, we are paying $3.9 billion per month to support 150,000 troops in Iraq, and $950 million per month to support nearly 10,000 troops in Afghanistan. Many Americans must wonder, why does it cost $26,000 a month to support one soldier in Iraq but $95,000 a month to support one soldier in Afghanistan?

By using supplemental appropriations bills to fund the costs of extensive military deployments, the administration has found a tactic to avoid elementary questions such as that one.

The folks at the Pentagon and the Office of Management and Budget only need to wait until the right moment to send a supplemental funding request to Congress, and use the old cattle prod that we must pass the bill immediately, no matter what its cost, or our troops will run short of supplies.

It works. It works like a charm. Yes, like a charm. In the end, it is a budget tactic that is deceitful, allows for abuse and misuse of the public treasure, and cynically uses the very real emotional attachment that all Americans have for our troops.

The American people are coming to grips with the dangers of postwar Iraq. They read about them every day. They have read the headlines of daily attacks on American soldiers and they understand that the stakes are very high. The American people want a plan for postwar Iraq, so that they can be assured their loved ones will stay in harm's way only as long as absolutely necessary.

Congress must come to grips with the costs of postwar Iraq, as well as those associated with our continuing mission in Afghanistan. Yet a look at this defense budget leaves one wondering how these costs are being covered. There is no additional money for Iraq or Afghanistan.

Mr. SARBANES. Will the Senator yield for a question on that point?

Mr. BYRD. Yes. Yes, I do.

(Mr. ALEXANDER assumed the chair.)

Mr. SARBANES. Am I correct in understanding this Defense Appropriations Committee bill has no money in it for Iraq, either the military costs or the reconstruction costs? Is that correct?

Mr. BYRD. The Senator is correct, with reference to incremental costs, additional costs. Of course, we will be paying salaries there that we would pay whether the personnel were there or whether they were back in West Virginia or in Maryland or wherever. The incremental costs for Iraq and Afghanistan, there is not one thin dime in this budget, not one.

Mr. SARBANES. If the Senator will yield for a further question?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. How is the Congress expected to play its role with respect to appropriations, and overseeing the expenditure of the public moneys, if we are not furnished this information?

Mr. BYRD. The Congress, apparently, is expected to just go along and hear all this talk about the ''Commander in Chief,'' and not dare to raise a head to ask a question. You are not supposed to ask questions. You are supposed to put the money down. And that is the way we did it last year. The troops are there and by the time we got around to considering the supplemental appropriation bill, they had already spent several billion dollars, between $30 and $40 billion or some such—already spent. So we have to pay the bills. That is already spent. We have to do that.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. SARBANES. Will the Senator yield to me for a further question?

Mr. BYRD. Yes.

Mr. SARBANES. Of course, last year we were just getting into this situation. I understand in the past there have been instances in which, prior to actually going into operation, we weren't given figures because it is so hard to estimate them. Then they come to you for a supplemental. Of course, when they come for a supplemental, what can you do but give the supplemental? At that point you have no choice.

Mr. BYRD. Yes.

Mr. SARBANES. But now we are a year later and it seems to me it ought to be possible to make some estimates that would be contained in the budget.

It is my understanding that in the past, although we may not have gotten estimates before operations began, once they commenced and continued for a period of time, then estimates were contained in the budget requests because it was a continuing matter and you were in a period where you could make such calculations. Of course, that is not being done in this instance.

Mr. BYRD. No.

Mr. SARBANES. We are now well into it. It ought to be possible to make some estimates and contain those in the budget so we have an opportunity to review them. Would the Senator agree with that?

Mr. BYRD. Oh, absolutely, I agree with that. That is what my amendment is about. Here we were, over in the Armed Services Committee. I asked the Secretary of Defense how much is our country spending per month in Iraq, on the war in Iraq, on the occupation of Iraq, and how much in Afghanistan? In both instances the Secretary said he didn't know. He would have to wait a while and get back to me.

Well, that is an old game.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. BYRD. If I may finish, and then I will be glad to.

That is an old game. You put it off. You don't want to answer on the record. You don't want to answer in public. And you don't want to answer that question lest there be a followup question. So you just put it off. Say, ''Senator, I am sorry, I don't have that figure. I will have to take a while. It may take me a while, take us a while to give you that figure.''

I said, Well, no, we want the figure now.

That is the way we are being handled. That is the way Congress is being handled, and I think it is wrong.

Then the answer came back, after a short recess of 20 or 30 minutes. The answer came back from the Secretary of Defense that the war in Iraq is costing about $3.9 billion per month, and almost $1 billion, $943 million, I believe, per month, in Afghanistan.

Those answers we needed, and with that kind of information. I am sure the Defense Department had this estimate long before I asked them the question in the committee. They had these estimates. They should have incorporated them into a request in the budget bill. That could have been done. They could have foreseen—well, we are spending on the average of $1 billion a week in Iraq. Let's put it in the budget. Let's put $52 billion in the budget. That would be the way they ought to deal with Congress. That is the way they ought to deal with the people's representatives in Congress. But they are not doing it. They didn't do it then.

Mr. SARBANES. I thank the distinguished Senator. I think his answers have only underscored the importance of his amendment, which I very strongly support.

Mr. BYRD. I thank the distinguished Senator. I now yield to my friend from Alaska.

Mr. STEVENS. Mr. President, with regard to the question of the Senator from Maryland, does the Senator from West Virginia know that yesterday I pointed out the report we have from the Congressional Research Service is that no President has ever asked for funds for war in advance? No Senate has ever appropriated moneys based upon contingencies, predictions of how much would be spent for war.

In the Balkan situation, President Clinton did send money for the peacekeeping operations following the conflict in the Balkans. But I am really informed—does the Senator realize no President has ever conducted war financing the way the amendment of the Senator would require the President to do it, if it were a legislative mandate?

Parenthetically, as part of that question, though, I wonder if the Senator understands, we are prepared to accept the Senator's amendment because it is a sense-of-the-Senate resolution which would indicate a request from the Congress that the President consider, in effect, to change that policy and submit a budget request in this instance which we are perfectly willing to support, to send to the President. But does the Senator realize, the statement of the Senator from Maryland indicates he thinks we should have before us now to include in the 2004 budget an amount that someone predicts will be necessary to fight a war when we don't know what the contingencies are, we don't know what the requirements are?

I wonder if the Senator heard the distinguished Senator from Hawaii yesterday when he explained his position as a platoon leader, and as a platoon leader if he had been asked how many grenades he was going to use in the next engagement, or how many rifle bullets he would need in the next engagement, or whether he could tell how much he would need for the next engagement so it could be passed on up to the President of the United States as to how much money we would need to conduct the war in Italy, it couldn't have been done. It can't be done now.

Does the Senator understand why we are opposing this? It is contrary to the tradition of the United States. And it is contrary to common sense to ask for a contingency budget request in the budget itself for operations considering what is going on in Iraq today. This could expand tomorrow or cease the next day. The contingency concept for a war like this cannot be predicted for a Presidential budget to be presented to the Congress. And it is presented 9 months before it goes into effect.

We are saying the President, in his submission in January, should give us a budget to tell us how much we will spend in a war and that the spending would commence at the start of the following October.

With due respect, does the Senator not agree that the problem we have here is to understand the President submitted this 2004 budget before the war began? How in the world can we expect the President to include in this 2004 budget request a request for expenses that may occur after October 1 of this year in terms of Iraq? Every President has financed those in the same way. Every single war has been financed the way this President is trying to finance this war.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. STEVENS. I am asking that question of my friend from West Virginia. He has the floor. I would like to get into this debate some kind of a balance with regard to how we are doing it. The Senator has the right to send a request to the President saying it ''should'' be done in a different way. But to say it ''must'' be done a different way, we oppose.

Mr. SARBANES. If the Senator will yield.

Mr. BYRD. Yes, without losing my right to the floor.

Mr. SARBANES. It is my understanding—and I phrase the question carefully in this regard—that while it is accurate to say we have not had these figures requested prior to entering into hostilities, that once we have gone into hostilities which have continued over a period of time, that has not prevailed.

Second, President Bush landed on an aircraft carrier out in the Pacific and said it was all over—''mission accomplished.''

We are now into—presumably by his own statement—a postwar period in which we are trying to do a lot of reconstruction and peacekeeping. It seems to me under that premise put forward by the President himself that we ought to be receiving budget estimates. They can put an asterisk on it that says this is our best estimate. It may prove out to be different as circumstances develop. But we are not being given any figures on which to pass judgment.

Then after the fact, we receive a supplemental. Of course, a supplemental is going to be approved. There is no meaningful review at that point because it has already been done.

Then we are told this money has already been expended. You have to replenish the coffers without having a chance to subject the figures to the requirement that they pass muster.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Does the distinguished Senator from Alaska have any further questions at the moment?

Mr. STEVENS. Mr. President, the Senator is very kind. I have a whole lot of questions to ask. But I prefer to get on with the debate.

Mr. BYRD. Questions of me?

Mr. STEVENS. The only question to the Senator is that I would respectfully ask if he understands that we are willing to take the amendment as the Senator has drafted it because it seeks a change in policy and it is a sense-of-the-Senate resolution. We are seeking that change in policy.

Again, parenthetically, I believe the time may come when we have wars or postwar engagements of such magnitude that we should find a new way to budget contrary to past procedures.

But, again, I urge the Senator from Maryland to understand that history goes against the policy he has suggested.

I hope the Senator from West Virginia understands my feeling in terms of the way we are handling things now. Does the Senator realize there is $32 billion left from what we provided in the supplemental for the war in Iraq? It is no-year money. It is not money that would cease to be available after September 30. We gave the President $62.6 billion, and it was no-year money. It did not have to be spent by the end of September.

We have, in fact, appropriated money which, if this afterwar resistance—whatever it is—diminishes, should be enough money. We should not have to have another request.

That is the position this Senator takes. Does the Senator understand my position on that?

Mr. BYRD. Mr. President, since before this war began, I have asked repeatedly of this administration what their estimate of the cost of this war is. Do you have any estimate? We get a blank stare.

I cannot believe that an administration is going to lead a country into war without having some inside estimates by the very capable people who surround the President about what this war would cost. Of course, nobody—least of all me—would ever expect the administration to be able to say it is going to cost $2.785 trillion. But I, others, and the American people were seeking some kind of a realistic range—and now more so than then.

Now we know that it has been testified to in the Armed Services Committee that the war in Afghanistan is costing $3.9 billion a month. We know that. That wasn't known just at the beginning of that day. I am sure the Defense Department had already run the estimate and had come out with the figures. Why couldn't the administration use those figures and say to the Congress, well, we estimate that it is costing in Iraq $3 billion, $3.5 billion, between $3.5 billion and $4.1 billion, or something like that?

We just get stonewalled when we ask questions of that kind. I think Congress is entitled to better than that.

Mr. STEVENS. This will be my last interruption. Will the Senator yield to me for one other question?

Mr. BYRD. Absolutely.

Mr. STEVENS. Does the Senator recall that in the 2003 budget request President Bush asked for $10 billion for contingency operations for defense emergency response funds for Afghanistan, the war on terrorism, and the activities that were going on at that time, and that he and I joined together in denying that request? We denied the request because we did not believe we should appropriate moneys based upon a contingency request.

Mr. BYRD. We approved it in the omnibus bill.

Mr. STEVENS. No. We turned it down in the omnibus, also.

Mr. BYRD. We approved it in the omnibus bill. That is the information I have.

Mr. STEVENS. The Senator was talking about the money we put in in January. That was money that already had been spent in Afghanistan and the war on terrorism. And we included those funds at that time in the omnibus bill. But we turned down the $10 billion for the contingency operation. I didn't like the defense emergency response fund. The Senator from West Virginia didn't like the defense emergency respond fund that just sits out there—a big pot of money which they can take money out of without telling us what they are going to spend it for.

We face two different problems: One is that we have a request in the budget for a big pot of money that they are going to spend any way they want when we have always requested that we get money based on how much expenses had actually been incurred in fighting an engagement.

Does the Senator disagree with that?

Mr. BYRD. What we are advocating is that funds would be provided in the Appropriations Act to specific accounts set forth in such act.

Mr. STEVENS. That is why we support the Senator's request. That is why the Senator's request for the sense-of-the-Senate resolution is imminently sensible. And I would like to follow that procedure. That is not the procedure we followed in the past. This President is following precedence in connection with the way he has, in fact, presented the budget for 2004 and the supplemental request for the war in Iraq.

I thank the Senator.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes. I yield for a question.

Mr. DAYTON. I thank the Senator.

The Senator from Alaska has been in conversation with the administration, evidently, regarding funds already available. I was here 2 days ago when the same statement was made about the need for funds and when that would occur next year. Then I read yesterday morning in the paper that same day—the day before, on Tuesday—the comptroller for the Department of Defense said in a supplemental appropriation that was made earlier this fiscal year there is $4 billion remaining for the purpose of war activities which, as the Senator pointed out, at the rate of $3.9 billion a month in Iraq, plus in Afghanistan $.9 billion a month—that would be $4.8 billion a month—there would not even be enough remaining amongst the funds to be expended to cover that.

So I ask the Senator from West Virginia, doesn't that underscore what the Senator said about the difficulty in getting the same numbers from the same principals?

Mr. BYRD. It does.

Mr. STEVENS. Will the Senator yield just for a clarification?

Mr. BYRD. Yes.

Mr. STEVENS. My staff informs me that the Senator has the numbers turned around. There were $15 billion, of which $4 billion have been used. We are certifying there are $11 billion left now.

Mr. DAYTON. I read the figures differently. If I am incorrect, I will stand corrected. If the Senator's staff is correct, then that would be enough money for about 2½ months of the next fiscal year—I shouldn't say the next fiscal year because my understanding is they are drawing down that money now.

Mr. STEVENS. The distinguished Senator from West Virginia still has

the floor. If he will let me respond, parenthetically, again, the Senator is correct, if the expenses continued at the rate of the expenditures for the months of June and July—the two 4 weeks just previously—the Senator is correct, the account was $3.9 billion a month for those operations. We do not consider that even today the activities are continuing at the same rate they were in the average per day for the last 4 weeks.

Mr. DAYTON. I thank the Senator.

Mr. STEVENS. In addition to that, there is $45 billion in specific service accounts that are in fact going to be used in Iraq. So we are not dealing with something where there is no money provided. There is $45 billion in specific unit accounts where that money will be spent in Iraq. And it is an augmentation because of the Iraqi conditions.

Mr. BYRD. Mr. President, my amendment reads as follows:

It is the sense of the Senate that—any request for funds for a fiscal year for an ongoing overseas military operation—

The word is ''ongoing''—

for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31 United States Code. . . .

These are ongoing—ongoing operations.

What is to keep this administration from sending up an amended budget request right today? The administration has already said we are spending $3.9 billion a month in Iraq and almost $1 billion a month in Afghanistan. Why doesn't the administration send up an amended budget request right now and let us include that money in this appropriations bill?

Now, the administration knows that is what it is spending. Why couldn't we at least include it in this bill that is before the Senate, rather than wait until next February when the administration will send up a request for that amount plus a great deal more? And why not anticipate the remaining months the administration expects to be in Iraq and Afghanistan and anticipate for the same amount on into the future?

It is this thing that I feel very strongly about: the Congress of the United States being held at bay when it comes to getting information from this administration. When it comes to appropriations, the Congress has control of the purse strings. And when we asked the administration witnesses, at least one of them said these figures are not knowable, this information is not knowable. Well, they have these estimates. They had them then, and they could have been included. So the Congress can exercise its constitutional oversight over these moneys that are being appropriated and spent.

I am glad the distinguished Senator from Alaska has indicated he intends to accept this amendment. But while we are on this subject, I have a chart here.

Now, the distinguished Senator from Alaska—and he is a distinguished Senator, a very distinguished Senator, my friend—time and time again he has said something about the moneys during the Clinton administration.

The supplementals for Kosovo and Bosnia were in the range of $2 billion to $3 billion for each mission. The Iraq supplemental that was passed this April was $62.6 billion. If we are to believe the cost estimates of Secretary Rumsfeld, that he testified to at a recent Armed Services hearing, the current cost of supporting 150,000 troops in Iraq and 10,000 troops in Afghanistan is $4.8 billion per month, or $58 billion if our troops are to remain in Iraq and Afghanistan for all of fiscal year 2004. The fiscal situation is completely different today than it was in 1998 and 2000 when supplementals were approved for Bosnia and Kosovo.

As one can see on this chart, in those years, we were running large surpluses: $69 billion in fiscal year 1998 and $236 billion in fiscal year 2000. The issue of how to finance a $2 billion supplemental was not and did not need to be a critical element of the debate.

Just this week, the White House released their Mid-Session Review. And the White House projections are on this chart.

The White House projects deficits of $455 billion for fiscal year 2003 and $475 billion for fiscal year 2004. The estimate of $475 billion for fiscal year 2004, the year of the Defense appropriations bill that is now pending before the Senate, does not include any cost, not one dime, for the incremental cost of the war in Iraq or the mission in Afghanistan. Therefore, if the President had requested a budget amendment or a supplemental for these missions, the deficit for fiscal year 2004 would likely be over $500 billion. And if you exclude the Social Security surplus, the deficit for fiscal year 2004 could exceed $650 billion.

Mr. NELSON of Florida. Will the Senator yield on that point?

Mr. BYRD. Let me just finish briefly.

The cost of the war in Iraq and the mission in Afghanistan is over $1 billion per week. General Franks has said that it is likely we will need to retain significant numbers of troops in Iraq for years to come. We know that now. We should not hide the ball from the American people until next year.

If we want to talk about then, we were running huge surpluses back in those days. Yet the cost was small, talking about $2 billion, $3 billion, when surpluses were running $69 billion, $125 billion, $236 billion, $127 billion. Now we are talking in a deficit situation. We are running huge deficits, astronomical deficits, never to be heard of before deficits. The costs we are talking about hiding here and waiting until the supplemental comes before Congress are many, many times higher than they were during the Clinton administration. So it is a little like trying to equate apples and oranges.

Yes, I yield.

Mr. NELSON of Florida. Mr. President, I thank the Senator from West Virginia for the point he has made. I would like to underscore it. By the administration's own figures, they are projecting the budget deficit—that is, the amount of money that we have to go out and borrow to pay our existing debts—in this fiscal year as $455 billion as illustrated by the chart the Senator has just shown. They are projecting next year $475 billion of deficit spending. Yet they will not come forth with a supplemental request when finally the Senator from West Virginia got the Secretary of Defense to admit in the Senate Armed Services Committee that the monthly cost for carrying on the war is $3.9 billion a month, just in Iraq, plus about $750 million a month in the war being prosecuted in Afghanistan.

Mr. BYRD. Nine hundred and forty-three million.

Mr. NELSON of Florida. And thus, as the Senator has pointed out, it brings it to well over some $60 billion additional.

Isn't it curious that if they are projecting $475 billion by their own figures in deficit financing for next year, that they do not add the additional $60 billion of anticipated war expenses, and that doesn't even count for the additional interest that will have to be paid on that newly incurred debt. Therefore, the deficit gets larger and larger and larger. To the average person what that means is, it is going to stall the recovery. It is going to cause the cost of money to go up in the interest rates.

But if we, as dictated by the Constitution, are to fulfill our appropriations duty, is it not logical that this Senate and the House of Representatives should have the information as to what the projected costs are of carrying on the function of the Government of the United States, including the defense of the United States? That is the question.

Mr. BYRD. They should have. The President, I say, should send up a supplemental budget request today for $58 billion.

Mr. NELSON of Florida. Would not the Senator wonder, then, since they refused to do that, and here we are in the middle of a war and a soldier is getting killed every day, would the Senator not wonder why they don't? I think that it might be that it just shows that annual deficit spending exploding higher and higher, which is ultimately going to have an effect on the financial markets of this country and make it all the more difficult for the economic recovery to occur.

Mr. BYRD. Yes. Well, I thank the distinguished Senator from Florida for his thoughtful observations. I would hope that the administration would send up a supplemental request. Otherwise, I think we ought to try to add to it this

bill. Why not? Why not? That is the anticipated cost. In any event, let me finish my statement. I am almost at the end.

The administration has reported to Congress that we are spending $4.8 billion each month in Iraq and Afghanistan. These costs can be anticipated, can be budgeted, and can be controlled. They are costs driven by policy emanating from the White House. There is absolutely no reason why they should not be included in the Defense appropriations bill that is now before the Senate.

If we truly want to support our troops, we should have truth in budgeting. My amendment calls on the President to be up front about the costs of our deployments in Iraq and Afghanistan. It would stop the practice of gimmicks and secrecy which hide the true cost of these foreign entanglements from the American people, the American taxpayer.

Mr. President, I yield the floor.

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. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1281

(Purpose: To state the sense of Congress on funding of ongoing overseas military operations, including overseas contingency operations)

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1281:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

Mr. STEVENS. Mr. President, the reliance of the Department of Defense on supplemental appropriations for contingency and peacekeeping operations began with the end of the last Persian Gulf War, and the introduction of United States military forces into the Balkans.

Excluding the costs of Operation Iraqi Freedom, the incremental costs of U.S. peacekeeping and contingency operations from fiscal year 1991 to 2003 total $36.8 billion.

Congress has debated and passed a supplemental appropriations bill for the Department of Defense every year from fiscal 1991 to the current fiscal year. The Congress has debated funding these operations from offsets within other discretionary programs, or from within the defense topline.

Beginning with the supplemental request of the Clinton Administration for fiscal year 1998 Congress has provided defense spending as an emergency or provided funding without offsets.

The Appropriations Committee attempted to mitigate the need for emergency supplementals by creating the Overseas Contingency Operations Transfer Fund in the defense bill, and the Clinton Administration still found it necessary to request emergency supplementals.

In March of fiscal year 1998, the Clinton Administration sought $1.9 billion for ongoing operations in Bosnia and Southwest Asia. In fact, the Senate considered an amendment to strip the emergency designation from those funds. That amendment was defeated 92 to 8.

Since the 105th Congress, supplemental defense appropriations have been provided as emergencies or without offsets. The Congress passed two supplemental defense bills in fiscal year 1999 totaling $19.1 billion.

The Senate will recall that the President requested a $10 billion contingency fund for the global war on terrorism as part of the fiscal year 2003 budget request.

The Congress rejected that request until the Administration could better define the costs of contingencies. Those funds were appropriated as part of the Omnibus Bill passed earlier this year.

The Clinton Administration was aware that operations in Southwest Asia and the Balkans were ongoing, yet chose not to fund fully those operations in the budget request. As I stated earlier, the Congress passed emergency supplementals for fiscal years 1998, 1999, 2000, 2001, and 2002.

The Congress has passed nine consecutive supplemental emergency defense appropriations without offsets.

Funding from the fiscal year 2003 supplemental was used to offset the difference between the President's budget request for fiscal year 2004 and the discretionary total in the budget resolution.

As operations progress in Iraq the Administration will better define contingency costs. That is the position taken by the Congress last year—and the approach to funding used by the Clinton Administration to fund peacekeeping in the Balkans.

The Appropriations Committee will examine the costs of operations in Iraq as they are identified. The Senate will have the opportunity to consider those costs in any necessary supplemental. That has been the approach to funding contingencies taken by this body for 6 years.

Mr. DODD. Mr. President, I rise to speak in support of the amendment offered by my distinguished colleague, Senator BYRD. I was not able to speak in support of this amendment when it was being debated because I was in a meeting with the distinguished Prime Minister of the United Kingdom, Tony Blair. This was an important amendment, and I am pleased that it was adopted earlier today.

This amendment calls upon the Bush administration to tell the Congress and the American people ''up front'' in its annual budget submissions, what it plans to spend on foreign military operations, particularly those in Iraq and Afghanistan. It also asks the administration to identify the specific Department of Defense accounts that will be tapped to pay for those activities.

Greater fiscal accountability is clearly needed, especially in light of an explosion in the size of the Federal deficit that has occurred since the Bush administration took office. Increased defense spending has undoubtedly played a role in that growing deficit.

This year's fiscal deficit will reach $455 billion—the largest Federal deficit in the history of this Nation. Just five short months ago, the Bush administration estimated that the fiscal year 2003 deficit would be $305 billion—no small amount. But more than $150 billion short of what it now estimates will be the fiscal gap. Obviously, this is more than simply a question of a rounding-off error on the part of the administration's budget experts.

I for one am skeptical that the administration really believed that its original estimates were on target.

What is not debatable is that our Nation's fiscal house is in disarray. We urgently need to get a handle on Federal spending. A first step in getting that handle is for the administration to come clean with the Congress and with the American people about what our commitments in Iraq and Afghanistan will mean in monetary terms.

Up until now, the administration has consistently ''low balled'' the cost of our military operations in these countries. They have skirted cost questions by being intentionally vague about their plans.

We now know that the military phase of the Iraq operation—the period from January thru April—cost approximately $4.1 billion per month.

Beginning in May, we were told that the cost of the pacification phase of the operations would be much lower—closer to $2 billion per month. That turned out to be untrue.

This past Sunday, Defense Secretary Rumsfeld admitted what has become evident—that these costs were running closer to $4 billion per month. The costs of operations in Afghanistan add an additional $1 billion per month to Department of Defense military expenditures. At current rates of spending we will have spent more than $70 billion dollars for military operations in Iraq by the end of the year.

On the non-military side in Iraq, $7 billion—$2.4 billion in U.S. appropriated funds—will have been spent by

the end of the year on humanitarian and reconstruction efforts. And that is just the beginning. The total bill for nation building in Iraq could go as high as $100 billion when all is said and done.

The Byrd amendment attempts to address a larger concern that simply the dollars and cents of our commitment in Iraq; it really goes to the overall conduct of our policy there.

Let me say very clearly that I am in no way critical of what our brave men and women serving in our armed forces have been doing in Iraq, or elsewhere. We are all very proud of our U.S. Service members—those who have served or are now serving in Iraq and Afghanistan. We pray for the speedy recovery of those injured in the service of their country, and our hearts go out to the families who have lost loved ones.

Nor do I mourn the removal of Saddam Hussein—the world is far better place now that he is no longer the dictator of his people.

The bottom line is the U.S. military has done and is doing a tremendous job—under very difficult conditions.

Having said that, it is increasingly apparent that the Bush administration was ill prepared for what is now confronting on the ground in Iraq—both in terms of the extent of hostilities and the costs of the operations.

Last year when the Congress debated the resolution authorizing the President to use force in Iraq, many of us were concerned that the administration had not done sufficient thinking or planning for what we could expect in post-Saddam Hussein Iraq.

Such concerns were dismissed by administration officials.

I do not like to say the following, but I must.

There has been a level of arrogance on the part of some in the administration when it comes to foreign policy generally and most especially Iraq. That arrogance has caused senior policymakers in the administration to be closed to advice from career government military and foreign policy experts and dismissive of congressional concerns about the challenges that we might confront in post-Saddam Iraq.

I supported the congressional resolution authorizing the use of force last year. And, I would do so again today. But I firmly believe that the concerns I expressed during consideration of that resolution—about the importance of getting broad international support for whatever we wanted to do in Iraq—take on even more significance today.

We will never know whether more patience would have gained us the U.N. Security Council endorsement for our efforts to rid Iraq of Saddam Hussein. I for one believed that it would have been worthwhile to give that U.N. process a little more time to get that endorsement.

I did not believe at the time that Saddam Hussein was an imminent threat to the United States, although I never doubted that he possessed, or at the very least sought to possess some quantity of weapons of mass destruction. Clearly, nothing found in Iraq thus far has caused me to change my assessment about the level of threat Iraq posed to the United States.

There is no doubt that had we gotten a U.N. endorsement for our campaign, we would be in a far stronger position today to convince other governments to participate in ongoing peacekeeping efforts and to share the costs of Iraq relief and reconstruction.

It is also very clear that the administration got it wrong with respect to the mix of combat forces and military police that would be required for the post war phase of the operations. If there had been more of a police presence at the outset, it might have served as a deterrent against the vigilantism that is now occurring.

The Bush administration has consistently asserted that we are not along in Iraq—that there is a ''coalition'' of governments helping us restore security and build a democratic Iraq.

That really isn't the case.

There are currently 148,000 American troops in Iraq. The non-American component of the military coalition is only 13,000 strong. The administration states that there will be an additional 17,000 foreign military deployed to Iraq later this summer. Should that come to pass, U.S. troops will still represent roughly 75 percent of the forces on the ground in Iraq.

Moreover, if current levels of violence continue, more troops are going to be needed to stem the American casualties that are now being sustained—some experts estimate that double the current number of troops there may be needed.

Where are those additional troops going to come from? I strongly urge the administration to turn to the U.N. and to NATO for that assistance. It is in our national security and foreign policy interests for the U.N. and NATO to become partners in rebuilding Iraq.

However, if we are unable to persuade our friends and allies to help in this effort, the deployment of addition U.S. troops may be needed to protect those already deployed. This could include American Reservists and members of the National Guard. And, while I agreed in principle with what my colleague, Senator BYRD, was seeking to do on Tuesday with an earlier amendment, namely to prevent unlimited deployments of reservists and members of the Guard to Iraq and Afghanistan, I was also concerned about the safety of our troops.

Unfortunately, the fluidity of the situation in Iraq may require the deployment of these forces for an unspecified time. That is why I reluctantly opposed that amendment.

Why is there such uncertainty surrounding Iraq? Because I believe that U.S. policy is adrift. The administration has not been able to get its arms around what is going on there.

One day the administration says it wants to put Iraqis in charge of their own country as quickly as possible. Another day it announces that the Coalition Provisional Authority, headed by retired U.S. Ambassador Paul Bremer, is the Government of Iraq. One day the administration tells us that Iraq's oil revenues will be sufficient to rebuild Iraq's economy. Another day it calls for the convening of an international donors conference to raise billions of additional dollars it says are needed to restore Iraq's economy.

As this policy drifts, increasingly the Iraqi people blame America for the ongoing chaos in their country. And who is the face of America on the streets of Iraq? Americans in uniform. They have become the targets.

Growing hostility has already cost 82 American lives since May. Every day we pick up the newspaper and read about another two or three American service members being attacked or killed by unknown assailants. Yet the administration continues to tell us that all is going as planned.

And the need for administration officials to be up front with the American people about Iraq goes beyond simply telling them how much it is going to cost or how many troops will be necessary.

It also goes to the matter of the administration's credibility—its credibility about what it has told the American people concerning Iraq's weapons of mass destruction. There are mounting questions as to whether some in the administration manipulated or distorted intelligence in order to justify what they wanted to do for other reasons.

President Bush has hurt U.S. credibility by overstating the case about the dangers of Iraq's weapons of mass destruction—particularly with respect to its nuclear weapons capacity.

Attempts to construct a ''coalition of the willing'' within our own intelligence community, in order to tilt intelligence was also dangerous, divisive, and unnecessary. We all accepted that Saddam had a clear track record with respect to WMD—they didn't have to ''gild the lily'' with information which we now know was false. And more seriously, which some administration officials knew at the time to be false. Even more serious is the willingness of these officials to pressure career intelligence analysts to sign up to conclusions about Iraq's WMD program that they didn't believe to be accurate. This calls into question the integrity of our entire intelligence community.

This issue does not seem to be going away. The administration has yet to give an acceptable explanation for what really happened or to identify who was responsible. We need to get to the bottom of this and put in place safeguards to prevent future manipulation of intelligence. It is extremely unlikely at this juncture that closed congressional hearings dominated by one party are going to allay the American people's concerns.

I recognize that the Byrd amendment does not attempt to address the intelligence issue I have just mentioned. I raise it in the context of the debate on this amendment because it is part of an administration pattern with respect to all matters related to Iraq—a pattern of secrecy, stonewalling, and obfuscation.

With the adoption of this amendment, the Congress has sent a modest signal to the administration that, at least on the spending side of our engagement with Iraq, we expect more transparency from our government.

Mr. FEINGOLD. Mr. President, I rise in support of amendment No. 1281 offered by the distinguished Senator from West Virginia to H.R. 2658.

I am disappointed that the amendment offered by the Senator from North Dakota was tabled yesterday. I have been a consistent advocate of transparency in our budgeting practices, and this amendment would have gone a long way to promoting such good practices. I am happy that we have a second chance to address this issue with the amendment offered by the Senator from West Virginia.

The Office of Management and Budget recently announced that they expect this year's budget deficit to reach $455 billion and predict a $475 billion deficit for fiscal year 2004. The estimates for fiscal year 2004 do not even include the cost of operations in Iraq. Such a dire fiscal picture makes it even more important that we get a better sense of the costs of future operations and make our decisions accordingly.

When we are conducting military operations or know that such operations are imminent, the budget must reflect it. We should not blithely go along as if it were a time for business as usual. We should budget responsibly for what is happening.

I would like to remind my colleagues about how much trouble we have had trying to get realistic figures from the administration about the cost of the Iraqi operations. We should not be operating in the dark. We must be presented with all of the facts so that our judgments on these tough issues are sound. Honest budgeting demands it.

As my distinguished colleagues have noted, we are no longer in the situation where the costs of the operations in Iraq and Afghanistan are unknown. The Secretary of Defense recently told us that we can expect to be spending almost $4 billion a month in Iraq and almost $1 billion a month in Afghanistan. The Pentagon comptroller has publicly stated that the administration has a good idea of what our overseas military operations will cost over the next year. Why are we pretending otherwise?

It is interesting to note that before the operations in Iraq, the Congressional Budget Office estimated that occupation costs would be between $1 billion and $4 billion a month, showing that we can get reasonable estimates. We can use those estimates to better the budgeting process.

We should continue to try to improve the process to ensure that we in the Senate and the American people can clearly see the facts and set priorities accordingly.

This amendment is not limited to this year or to the operations in Iraq or Afghanistan. Some may say that budgeting for potential future operations is not possible. I agree that predicting an exact cost is difficult, but that does not mean we cannot prepare a rough estimate. In fact, doing so will help us better analyze our options and make better decisions about any future engagements. The Senate wisely chose this path with the recent budget resolution when it adopted the amendment offered by myself and the senior Senator from New Jersey setting aside $100 billion of the tax cut for operations in Iraq.

I strongly urge my colleagues to support this amendment. When we ask the American people to support future operations they should know what we expect the operations to cost. We owe the American people this honesty. I commend the distinguished ranking member of the Appropriations Committee for offering this amendment and for repeatedly raising important questions about the administration's policy on Iraq. He has performed a valuable service, and I thank him for it.

Mr. STEVENS. Mr. President, I would like to try out a unanimous consent request. There is pending my motion to table the Durbin amendment and there is pending the Byrd amendment. The Senator from West Virginia wishes to have a rollcall vote. Senator MCCONNELL would like to have 5 minutes to speak before these votes commence.

I ask unanimous consent that we vote on the Durbin amendment following Senator MCCONNELL's statement of not to exceed 5 minutes, and that is on or in relation to the amendment. I have made a motion to table that. After that, I ask that we have a vote on Senator BYRD's amendment, which I shall support. That will have everyone here in time to go and listen to the Honorable Tony Blair, if we can get started in a few minutes.

I support Senator BYRD's amendment because it is a sense-of-the-Senate resolution saying that any request for funds for the fiscal year for the ongoing operations in Afghan and Iraq should be included in the annual budget and that any such funds provided should be provided in the Appropriations Act for such fiscal year to appropriate specific accounts for such acts.

I support that concept. I do say what it really says to me is that the President's budget would contain an estimate of the costs for an ongoing operation and we would allocate the funding to the specific accounts subject to our approval of the estimates based upon specific hearings before our committee and listening to the representatives of the various services of the military. I think that makes eminent sense. It is a change of policy, in my judgment, and therefore it is a sense-of-the-Senate resolution seeking the President's concurrence in that policy.

I ask unanimous consent that the Senator from Kentucky be recognized for 5 minutes and, following that, we vote on the amendment of Senator DURBIN; and I ask that it be in order to ask for the yeas and nays on my motion to table the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I do not object, I wonder if the Senator would mind having the vote on my amendment as the first vote. It would occur 5 minutes after the Senator from Kentucky.

Mr. STEVENS. I am willing to reverse that order. I modify the request and ask that the Senator from Kentucky speak for 5 minutes, and following that the vote on Senator BYRD's amendment, and following that there be a vote that would occur, with a limitation of 10 minutes, on my motion to table the Durbin amendment. Following the Durbin amendment, we will be walking down the hall to go over to a joint session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object. There would be no second-degree amendments in order, right?

Mr. STEVENS. Right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the yeas and nays are ordered on the motion to table the Durbin amendment.

Mr. STEVENS. Have the yeas and nays on Senator BYRD's amendment been ordered?

The PRESIDING OFFICER. No.

Mr. STEVENS. I ask for the yeas and nays on the Byrd amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we have witnessed a parade of Democrats coming to the floor to lob accusations against the President about the war in Iraq. Ostensibly, they are concerned about a potentially mistaken piece of intelligence regarding Iraq's efforts to procure uranium from abroad. In their zeal to score political points, they have sacrificed the national interest on the altar of partisan politics and are making accusations that are grossly offensive against the President and those of us who believe—and continue to believe—that our liberation of Iraq was the right thing to do.

Senator CONRAD, only hours ago, said:

> This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16

words in the State of the Union. It is far more serious than that.

Mr. President, that charge is stunning. It is an accusation that all of us who voted for the war, who viewed classified intelligence about Iraq and who believe this war was just, should repudiate. Perhaps the Senator should tell the family of the Kurdish woman and her child that Saddam Hussein didn't have weapons of mass destruction and that we were wrong to have liberated his oppressed people. They will not be so sanguine as these Senators, because she and hundreds of fellow villagers were murdered in a gas attack ordered by Saddam Hussein. This attack occurred in 1987. She won't be able to defend this because she is deceased as a result of an attack using weapons of mass destruction.

There were two victims of the town of Halabja, where some 5,000 died from a chemical attack in 1987. And 3,000 died that year from a similar chemical attack in Sumar. Another 5,000 died from mustard gas in Al Basrah also in that year. In fact, there are documented 10 different occasions upon which Saddam Hussein used chemical weapons against his own people.

So it is not in doubt that Iraq was using weapons of mass destruction. No one has doubted that Iraq had weapons of mass destruction. I don't doubt we will find further evidence of weapons of mass destruction in Iraq. The French didn't doubt it; the Germans didn't doubt it; the Russians don't doubt it; the U.N. weapons inspectors never claimed Iraq did not have weapons of mass destruction. There may have been a dispute over the best way to uncover and dispose of these weapons, but no responsible expert—I repeat, no responsible expert—said Iraq doesn't have a weapons-of-mass-destruction program. No one said that, Mr. President.

No responsible country confirmed that Iraq didn't have a weapons-of-mass-destruction program, because it was glaringly apparent that Saddam was vigorously committed to obtaining and maintaining an arsenal of chemical, biological and, yes, nuclear weapons.

That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, which declared that Iraq failed to account for weapons of mass destruction that it previously admitted having stockpiled. That is why Saddam Hussein never let inspectors have unfettered and free access to the suspect sites. Why would he have done all of that had he not had weapons of mass destruction? That is why he led inspectors on a wild goose chase through the Iraqi desert for 12 long years. That is why he buried research facilities, why he intimidated scientists, why he removed the tongues of those who questioned his regime. That is why he built the mobile biological weapons labs we uncovered in the Iraqi desert. He did all of those things because he had weapons of mass destruction.

It is amazing that the very individuals who were willing to give U.N. inspectors up to 12 years to conduct these ''Keystone Cops'' inspections are now unwilling to give the United States military 10 weeks—not 12 years, but 10 weeks—to search for weapons of mass destruction while simultaneously hunting Baath party loyalists and restoring order to a nation wrecked by decades of misrule.

There are thousands of suspect sites capable of producing weapons of mass destruction and weapons-of-mass-destruction components. There are millions of places in which weapons of mass destruction could be hidden.

I am confident, the President is confident, the Secretary of State is confident, and the Secretary of Defense is confident that evidence of Hussein's WMD programs will be found. But keep in mind that Iraq is a country the size of California, and that for more than a decade Hussein and his cronies perfected the art of concealment. Still we have already found mobile biological weapons—already found—mobile biological weapons, various centrifuges to process uranium, and shells specifically designated to hold chemical weapons. The programs are there and we will find them.

I thank the chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Defense appropriations bill following the statement of the right honorable Mr. Blair, the Senator from West Virginia be recognized to offer another amendment.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I make an inquiry of the distinguished Senator from Alaska? The Senator is prepared to accept my amendment, and the Senate will vote on it. Does he think that amendment will have any impact on the procedures? Does he think that will result in any change in the procedures which we have been experiencing heretofore? It is a sense-of-the-senate resolution but, in his opinion, may we expect to see it carried out?

Mr. STEVENS. Respectfully, that is sort of asking me the same thing as the contingency question. I am prepared to argue with the Office of Management and Budget and the White House that the procedures should be changed. After the initiation of war Congress should have estimates, as indicated by the Senator's amendment. Therefore, I support it. Whether we will be successful, God knows.

This is a 15-minute rollcall vote and will be followed by a 10-minute rollcall vote on the Durbin amendment. I urge Members to vote promptly so we may leave the body at 3:40 p.m. to listen to Mr. Blair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will take 1 minute.

I thank the distinguished chairman of the committee for his courtesies and for the cooperation he has given. He has sought to get action by the Senate on various and sundry amendments. He has tried to move the bill forward, and he has lived up to what I think is the reputation of not only fairness but also of integrity. I am thankful to him for accepting this amendment.

I was interested in his response to my question a moment ago. I believe he means what he says, and I hope he will join me in urging the Office of Management and Budget and the White House to live up to the intent, the spirit of this amendment whether it is the current administration or a following administration, which may be Democratic or Republican.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1281 offered by the Senator from West Virginia. 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 ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—81

Akaka	Dodd	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (SC)	Pryor
Burns	Grassley	Reed
Byrd	Gregg	Reid
Campbell	Hagel	Roberts
Cantwell	Harkin	Rockefeller
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Inouye	Shelby
Clinton	Jeffords	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Stevens
Corzine	Lautenberg	Talent
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lincoln	Wyden

NAYS—15

Bennett	Cornyn	Dole
Brownback	Craig	Enzi
Bunning	Crapo	Hutchison

Inhofe	Santorum	Sununu
Kyl	Sessions	Thomas

NOT VOTING—4

Graham (FL)	Lieberman
Kerry	Miller

The amendment (No. 1281) was agreed to.

Mr. STEVENS. 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.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that after the next vote, which we are going to go ahead and do now, and we want to encourage everybody to come and vote as soon as possible, that after the next vote is completed, the Senate will stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1277

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Durbin amendment No. 1277. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), 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 ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—62

Alexander	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Bayh	Domenici	Murkowski
Bennett	Dorgan	Nelson (NE)
Biden	Edwards	Nickles
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Fitzgerald	Sessions
Burns	Frist	Shelby
Campbell	Graham (SC)	Smith
Carper	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stabenow
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Inouye	Thomas
Cornyn	Kyl	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	

NAYS—34

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Hollings	Pryor
Breaux	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Clinton	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Durbin	Levin	

NOT VOTING—4

Graham (FL)	Lieberman
Kerry	Miller

The motion was agreed to.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE RIGHT HONORABLE TONY BLAIR

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:48 p.m., took a recess, subject to the call of the Chair, and the Senate, preceded by RICHARD B. CHENEY, Vice President of the United States, William H. Pickle, Sergeant at Arms, and Emily Reynolds, Secretary of the Senate, proceeded to the Hall of the House of Representatives to hear an address delivered by the Right Honorable Tony Blair, Member of Parliament, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

(For the address delivered by the Prime Minister of the United Kingdom of Great Britain and Northern Ireland see today's proceedings in the House of Representatives.)

At 4:40 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. CORNYN).

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until the hour of 5 p.m., with Senators permitted to speak therein for not to exceed 1 minute each to comment on the historic speech we have just heard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the Senator from Idaho since his State was mentioned.

The PRESIDING OFFICER. The Senator from Idaho.

CONGRATULATING PRIME MINISTER TONY BLAIR

Mr. CRAIG. Mr. President, fellow Senators, I think today we watched a piece of history made on the floor of the U.S. House in a joint meeting when Tony Blair, the Prime Minister of Great Britain and Northern Ireland, spoke to us. Not only was it a brave and proud speech, but it was a speech of neighbor to neighbor, friend to friend, as truly Great Britain has become over the years and Tony Blair has become during this period of joint effort in Iraq.

In that speech, he mentioned places out West: Idaho and Nevada. Prime Minister Blair, Idahoans invite you to come visit, to come and meet us. We are a great people, a part of this great country of which we are so proud. And, yes, there are Idahoans who question our outreach in foreign policy and scratch their heads and say: Why now? But there are many of us who recognize the leadership role that we play that you challenged us to today.

So on behalf of all of Idaho—our Governor and the congressional delegation of our State—Prime Minister Blair, come see us, come visit us. You will find that we are a people who stand with you in your call to the world for leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I understand why the Senator from Idaho said that, but I would encourage the Senator to read a little book called ''Coming into the Country'' by McPhee. That is a book about a place in Alaska where people live who the British leader says he thinks he wants to talk to—in the wilds of Alaska, in the great frontier of America.

The British leader thought he was going to the wilderness when he talked about Idaho. If he wants to see the wilderness in this country, he has to go to Alaska today. That is where 77 percent of the federally declared wilderness exists.

Mr. President, I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the distinguished Senator.

Mr. President, I join my colleagues in commending the distinguished Prime Minister for his eloquent remarks in which I think he captured the essence of what all of us would like to see in the coming weeks and months and years; that is, a joint coalition of peaceful, liberty-loving nations to address the scourge of terrorism. I think he properly described what needs to be done by leaders of this Nation and others around the globe if we are going to succeed in that effort.

It was also wonderful to hear the English language spoken with such eloquence. It was refreshing not to see a teleprompter, I might add, and to hear a political leader with a sense of humor, a sense of commitment and passion, and a deep sense of understanding of the values that our two nations have shared—and, as he properly described, not Western values but human values of freedom-loving peoples everywhere.

I join my colleague from Alaska, and others, in thanking the Prime Minister for his eloquence, for his commitment, for his friendship, and for his loyalty. I look forward to a continuing relationship with this remarkable leader.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have never heard a speech that better charted the values of free peoples—not only of free peoples in our country but I think free peoples all over the world. I have never heard a speech that was as incredibly positive as this speech, that

called on everyone to rise to their best value, to stand to their best commitment, and to perform as free-loving peoples should everywhere.

On a scale of 1 to 10, Mr. President, that speech, in my book, was a 10. I have never heard better. And I have never seen a course charted that is sounder, truer, or can redound in better benefits for freedom-loving people.

I salute Tony Blair, the distinguished Prime Minister of the United Kingdom.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I join with my colleagues in commending the Prime Minister of Great Britain, Tony Blair, for his outstanding, articulate, and insightful remarks.

While we worry sometimes on minutia, he brought back the international global perspective while we are in the midst of a war against terrorism.

These were historic remarks that I think got us, as Americans, renovated, invigorated, and re-resolved in this war on terror. He also served, I think for us as Americans and the United States, as a bridge to our friends in Europe. While most of them were with us in this most recent conflict in Iraq, some were not. But there are so many of those shared values that bring us together. Indeed, Prime Minister Blair brought those forward. While in some areas the Germans and the French are helping, we want others to join in the United Nations and NATO.

I would say the most important things the Prime Minister mentioned were not that we have shared interests in trade or shared interests in security but that we have a shared love of individual liberty.

And if Thomas Jefferson—not a very well-loved person, I am sure, in Great Britain—were on that floor of the House just a moment ago, he would have said: Well done, Mr. Prime Minister. Those are good, sound Jeffersonian principles that he advocated.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise very briefly to state the obvious and what everyone else has stated. The Prime Minister made a remarkable speech today. We should listen to our friends. I took away much of what others did as well, but I took away one very important message we heard from a friend; that is, don't give up on Europe, that France and Germany are our friends.

By reference, Mr. Kagan and those who believe Europe is an anachronism and is an ''Old Europe'' are dead wrong, and that if Europe and the United States stand together, the world will stand with us. If Europe and the United States are divided, the world will be divided. It is that basic.

I hope everyone listened to not only the rhetoric but to the substance of his message. The substance of his message: The neo-conservative notion that Europe is no longer an asset, that Europe no longer shares our values, will be the very thing that will undo this great country of ours. We are united. We are together. We have to work on it. And if we stand together, the world will stand with us.

For that, I thank the Prime Minister for delivering his message and reminding us, his friends, of how valuable that alliance is. There is none more valuable.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I echo the comments of the senior Senator from Delaware and recognize his expertise as a former chairman of the Foreign Relations Committee and assure him that I took the same message he did, that Tony Blair is trying to remind us all of that which we instinctively know: the importance of friends.

I took great pleasure in the fact that he cited America's history in establishing friends and, indeed, spoke a little bit against his own history when he talked about empires that sought for land or territory or power but that the Americans seek only to export liberty to those places where it has not yet taken hold. And that is the cause around which the entire world must repair.

I would add one other thought to the thoughts that have been made. I agree with the Senator from California that was the best explanation she has ever heard in a speech. And I must add, not only is it the best one that I have ever heard, that includes speeches I have given, which, for a politician, is a tough thing to have to admit.

I was struck by his comment that I think should resonate throughout the current debate, and that is the debate over Iraq, the motivations for going into Iraq, the prelude that built up to the decision in Iraq; that is, when he said, as best I can recall: If we were wrong, all we have done is free a people from a horrible tyrant and brought freedom to millions, and history will forgive us that error. But if we were right, history would not forgive us for hesitating, if we had done so.

I think while he was not injecting himself into the debate here in America at the time, that summary is the best I have heard of the way we should be conducting our examination of the decision to go forward in Iraq. If, in fact, the decision was built on some flawed assumptions, the results of the decision are still worth it.

But if the assumptions turn out not to have been flawed and we discover, in fact, that things were as we had anticipated, I agree with the Prime Minister that history would treat us very badly if we had walked away from that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I associate myself with the remarks that have gone on before. It was a truly inspiring speech. I think there is a little bit of irony to the fact that we have a Brit inspire us on freedom and liberty. That was the most inspiring speech I have heard since Margaret Thatcher did the same thing. They somehow have the ability to look into our past and explain our present and move us on into the future. I appreciate the fact that he was here and spoke and shared those words with us. It was awe inspiring.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. STEVENS. Parliamentary inquiry: Has the time expired?

The PRESIDING OFFICER. Five o'clock has arrived. The time for morning business has expired.

Mr. STEVENS. Does the Senator seek to speak in morning business?

Mr. ALEXANDER. I would like to speak for about 1 minute.

Mr. STEVENS. I ask unanimous consent that the Senator from Tennessee may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe Tony Blair taught us a lot about the world. I think he taught us more about ourselves. His speech was historic, but it will be remembered more because it reminded us of what it means to be an American. The assistant Democratic leader and I and other Senators have worked on legislation this year to put back into its rightful place in our schools the teaching of American history. I would suggest that in the first chapter of those textbooks we put Tony Blair's speech.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know that euphoria is here, and Tony Blair rendered a great speech. I thought it was tremendous. But I have to recall the speeches President Clinton gave. I can remember during those speeches that there were times when I didn't realize I was listening to a speech. President Reagan was really good. And Tony Blair, of course, was extremely good. I was so impressed when he did it without a teleprompter; he did it from his written speech. He was very impressive. When I met him an hour or so ago, I introduced myself and said I was a Senator from Nevada, Las Vegas and Reno. He said at that time he had always wanted to go to Nevada. And so when he was searching for a State to identify in his speech, I am glad he mentioned Nevada. I say to my friend from Idaho, who has invited him to Idaho, I certainly have no objection to the Prime Minister of Great Britain going to Idaho, but I am confident he will stop in Nevada as well.

Mr. STEVENS. Mr. President, someone told me they thought it was a nice thing to have conservatives applaud a liberal. Do you know, when I listened to Tony Blair, I didn't think about being conservative or liberal. I thought about the fact that here is a man who has had admitted difficulties in his own country but was willing to come on our stage and tell us he believes in American principles and he is willing to be a

partner with us. That is a sign of a great man. I think he is a great leader for the world as well as for Great Britain. I hope that people don't think of it as a speech of a liberal or even of a conservative. He was speaking to us as Americans and bringing out the best in us. I really am delighted that we gave him the opportunity to speak to us.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

Mr. STEVENS. Mr. President, we are awaiting an amendment to be offered. I hope Senators will come and bring their amendments.

Mr. REID. Would the Senator yield?

Mr. STEVENS. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I say to the distinguished comanager of the bill, we are waiting for Senator BYRD to come and offer his two amendments, one dealing with adding some money to the bill, the other dealing with adding some money for AIDS, rearranging the bill, I should say.

The Senator from Delaware is considering offering an amendment and also the Senator from California, Mrs. FEINSTEIN, and Senator SCHUMER. I would say to those Senators or their staffs who are within the sound of my voice that Senator BYRD is not here. I am sure we could move forward on one of their amendments. I would recommend that they work their way to the floor or at least call the cloakroom so we can get them lined up to offer one of their amendments. There is really a down time here now.

I think it would be to everyone's advantage that we move forward on this most important bill. As has been indicated, we are going to certainly try to finish this bill tonight. It appears we can do so. We don't have a lot of amendments remaining.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ALEXANDER. 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. BYRD. 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. 1283

(Purpose: To rescind $1,100,000,000 of the amounts appropriated for procurement and research, development, test and evaluation, and to appropriate $1,100,000,000 for fighting AIDS/HIV, tuberculosis, and malaria)

Mr. BYRD. Mr. President, I have an amendment which I shall send to the desk shortly.

This January, in his State of the Union Address, President Bush announced a 5-year, $15 billion global AIDS initiative. The President received a lot of praise for that announcement, as he should have. AIDS is a dreadful disease which is currently inflicting an almost unimaginable toll on the African continent, devastating entire populations.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. According to UNAIDS—the Joint United Nations Program on HIV/AIDS—in 2002, there were 29.4 million people living with HIV and AIDS in sub-Saharan Africa. Africa has about 10 percent of the world's population but more than 70 percent of the worldwide total of infected people. In fact, the infection rate among adults is about 8.8 percent in Africa, compared with 1.2 percent worldwide.

More than 17 million Africans have died from AIDS since its emergence, and UNAIDS estimates that by 2020, an additional 55 million Africans will lose their lives to the epidemic. The sheer brutality of these statistics is hard to fathom and must tug at the hearts and souls of all of us in this body.

AIDS' severe social and economic consequences are depriving Africa of skilled workers and teachers while reducing life expectancy by decades in some countries. An estimated 11 million children in Africa have been orphaned by AIDS—having literally watched their AIDS-inflicted parents slowly slip away before their eyes. These AIDS orphans are now facing increased risk of malnutrition and reduced prospects for education. AIDS is being blamed for declines in agricultural production in some nations, and is regarded as a major contributor to the famine threatening southern Africa. The United Nations Development Programme Annual Report for 2003 states that, ''HIV/AIDS is a catastrophe for economic stability and may be the world's most serious development crisis.''

For far too long, the world has turned a blind eye to the suffering on the African continent. Does the United States, as the wealthiest Nation on Earth, not have a special moral responsibility to act to alleviate some of the worldwide misery caused by AIDS? Americans have always been generous and caring people, and I have no doubt that they would expect their elected officials to rise to the occasion and take the lead in ridding the world of this horrid disease, wherever it takes root.

I am pleased by Congress' initial response to the President's call for action to combat the AIDS crisis in Africa—with passage of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. And I was encouraged that our President publicly touted the legislation's passage as a moral triumph.

However, I have seen far too many fancy White House bill signing ceremonies and dressed-up press releases in the last 2½ years to be entirely confident that this Administration would simply keep its promise to fully fund this legislation. Once the cameras stop rolling and the headlines fade away, this administration seems to have established a troubling pattern of repeatedly making promises but failing to deliver the dollars needed to keep them. The drastically underfunded No Child Left Behind Act and the President's skimpy funding requests to meet our homeland security needs are perfect examples.

Last week, as President Bush visited five African countries, he again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, $15 billion program to attack the disease in the world's poorest countries. I commend him for having gone to Africa, and for promoting greater efforts to fight AIDS.

He should be held to his commitment to those in Africa who are suffering from AIDS.

Clearly, an expectation has been created that the administration and Congress will provide $3 billion toward this noble initiative in fiscal year 2004, as language explicitly authorizing that amount for fiscal year 2004 is spelled out in the new Global AIDS law that the President proudly signed.

Unfortunately, despite all the recent headlines, photo-ops, and White House promises regarding the African AIDS crisis, the simple fact remains that the President did not put enough money behind his promises, as he failed to include $3 billion to fight AIDS in his fiscal year 2004 budget. That is right! He requested only $1.9 billion, not the $3 billion that the world now expects. That is $1.1 billion less than what he promised.

Just last Thursday, Members of this body went on record, by a vote of 78-to-18, in support of a Sense of the Congress Resolution that stated our intent to provide full appropriations for the $15 billion AIDS initiative touted by our President, including $3 billion in fiscal year 2004.

The lives of millions worldwide are at stake. Now is the time to honor the financial commitment made by Congress and the President to combat Global AIDS. My amendment to the Defense Appropriations bill would do just that by allocating $750 million in fiscal year 2004 to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally for the purpose of making a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria and $350 million for the Secretary of Health and Human Services for programs to combat AIDS overseas. This amendment would be completely offset by a $1.1 billion across-the-board cut in the amounts appropriated for the Department of Defense under Titles III and IV of this legislation for Procurement, as well as for Research, Development, Test and Evaluation.

The bill before the Senate includes $73,976,000,000 in procurement spending,

an amount that is $1,255,000,000 above the President's request. This bill also includes $63,565,000,000 for research and development programs, a level that is $1,738,000,000 above the President's request. Certainly, the Senate should be willing to reduce the current procurement and research funding by less than eight-tenths of 1 percent in order to fulfill the President's promise. It is his promise. He had pledged our Nation's help with one of the most dreaded and destructive scourges on the globe. But he is trying to shift the burden to Congress to make up the difference in the underfunded budget request. Congress should step up to this challenge and appropriate the money that we have already authorized by an overwhelming vote.

My amendment would allow us to fulfill the humanitarian promise made by our Government to fight the worst public health crisis that history has ever known with a total $3 billion appropriation in fiscal year 2004.

This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

Mr. President, AIDS is a catastrophe for millions around the globe. What better message can we send than to reduce our behemoth military budget ever so slightly in order to keep our national word to help fight this dread disease. It is the right thing to do. It is the noble thing to do. Let's do it.

Mr. BYRD. Mr. President, I send to the desk an amendment. I ask unanimous consent that the following cosponsors be added.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE and Mr. BINGAMAN, proposes an amendment numbered 1283:

On page 120, between lines 17 and 18, insert the following:

(RESCISSION OF FUNDS)

SEC. 8124. (a) Of the amounts appropriated under titles III and IV of this Act, $1,100,000,000 is hereby rescinded. The Secretary of Defense shall allocate the rescinded amount proportionately by program, project, and activity.

(b) In addition to other amounts appropriated or otherwise made available under this Act, funds are hereby appropriated to the Department of Defense for fiscal year 2004 in the total amount of $1,100,000,000.

(c) Of the amount appropriated under subsection (b), the Secretary shall transfer $750,000,000, to remain available until expended, to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Of the amount appropriated under subsection (b), the Secretary shall transfer $350,000,000 to the Secretary of Health and Human Services for global HIV/AIDS programs of the Centers for Disease Control and Prevention and the National Institutes of Health.

Mr. BYRD. Mr. President, the cosponsors are Senators CLINTON, PRYOR, LAUTENBERG, MURRAY, and CORZINE. I ask they be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, AIDS has been a matter of attention by our subcommittee since 1982. It was our subcommittee that initiated the first AIDS research with public funds that I know of in the world. That research is still going on by the Department of Defense. We were looking for some way to prevent the transmission of AIDS. I am sad to say we have not been successful.

In the period just prior to our bill in the eighties, I had listened to a lecture at the Cosmos Club where the lecturer had predicted we would witness AIDS becoming a plague—more than an epidemic; it actually would become a plague. That prediction has become too true, and the President has committed $15 billion over a period of 3 years for our contributions to the AIDS program.

We have in our budget so far total spending of $2.4 billion that is directed to global AIDS spending. I am trying to get the total figures. I think we have over another $2 billion in our total budget directed toward AIDS spending.

It is true that money is going to agencies other than USAID, but in foreign operations, there is $1.5 billion, and Labor, Health and Human Services has $683 million.

My point is, we have an enormous amount of money in the bill before us already for AIDS spending. I am compelled to oppose the Senator's amendment because it transfers from defense procurement and research and development programs to another bill, the Health and Human Services bill and the Agency for International Development, which is in a third bill, the State-Justice-Commerce bill, portions of money allocated by our committee to those two other subcommittees. In effect, Senator BYRD's amendment would transfer from the Defense Department to the Department of Health and Human Services and the Department of State $1.1 billion.

I have to oppose this amendment in the first place because I believe we have already met the commitment of the President. There is no reason I know of to accelerate that and provide more than the $3 billion. We have already committed to—as a matter of fact, because of the request initially, I believe we have in excess of $4 billion in this budget available to us for AIDS already.

The fund the Senator from West Virginia would take the money from is for the modernization of our aircraft. We are trying to modernize this force. We need to replace aging C–130s and the aging C–46 helicopters. We have an enormous number of vehicles and aircraft that have to be replaced because of the damage they have suffered from activities in Afghanistan and Iraq.

The modernization funding in this account is also for the National Guard and Reserve. We all have some real concern over the amount of money that is already available for those activities. Bluntly, I do not think we can afford to take $1.1 billion out of defense and put it into the Department of State and the Department of Health and Human Services, or Education—wherever it goes—at this time.

We are going to lose a sizable number of the weapons systems we would otherwise modernize or replace with this $1 billion. I call attention particularly to the fact that despite the authorization and request of the President, we were unable to fund the F–18 fighter the administration seeks to procure. We are unable to fund the total amount of F–22s. We have reduced the number of ships in the Virginia class from seven to five. I am already mentally confused over why we have to be so constricted, but that was the problem in the overall budget. We already have taken $3.1 billion out of the Defense budget and spread it through the nondefense budgets in order to meet the objections that were raised by so many Senators to the allocations we initially intended to make without that $3.1 billion. This would make it $4.2 billion out of Defense.

I say to my friend from West Virginia, we just cannot do that. There is no way we can take any more money out of the funds we have set aside to replace the aging fighters, helicopters, and the equipment that was damaged or destroyed in Iraq and Afghanistan.

We do have a letter from Dr. O'Neill, the Director of Office of National AIDS Policy. He says this:

By careful design, the President's 2004 budget request is for $2 billion—

On this set-aside fund. As I said, our accounting is that set-aside fund for global activities is $2.241 billion.

In any event, to continue Mr. O'Neill's letter, he said:

This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure base needed to ensure delivery of appropriate medical treatment protocols and the long-term success of this initiative.

He stated in another paragraph, and I am pulling sentences out of this letter:

For the reasons stated above, the administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's FY 2004 budget.

I ask unanimous consent that the letter be printed in the RECORD in full after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Prior to the President's initiative, the total for AIDS

was $1.2 billion. It is my judgment, because of the amount of money we are spending in all the other agencies to increase our knowledge and ability to deal with AIDS, that this is a proper amount of money. We have the commitment that this money will increase as we get more and more people trained.

We listened to the Secretary of State the other morning tell us about the problem we have in finding people to train and help with the medical problems of the people we are dealing with in terms of AIDS throughout Africa in particular. I thought it was a very moving response he gave to the questions about AIDS.

Very clearly, right now there are two issues in the amendment of the Senator. First, I believe we have met the initial year's objective for the President's global initiative on AIDS. I believe we have an overwhelming amount of money in the total bills before the Congress this year, all 13 appropriations bills, on AIDS. Further, the way the Senator from West Virginia wants to offset this amount, in my judgment, will bring great harm to the area of modernization of our aging equipment and the replacement of the equipment that has been damaged and destroyed by war.

So I am forced to say to the Senator from West Virginia that I am compelled to make a motion to table his amendment at an appropriate time. I certainly do not want to do that before my friend has had a chance to make any comments he wants to make about my comments.

I ask unanimous consent that the schedule of the projection of spending for global AIDS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S.G. CONTRIBUTIONS TO GLOBAL HIV/AIDS SPENDING

[Dollars in millions]

USG appropropriations	FY 2004 budget	FY 2005 budget	FY 2006 budget	FY 2007 budget	FY 2008 budget	Total FY 2004–2008
Base Bilateral Spending	$970	$970	$970	$970	$970	$4,850
Global Fund	200	200	200	200	200	1,000
Mother to Child Initiative [1]	300	n/a	n/a	n/a	n/a	300
Emergency Plan for AIDS Relief	450	1,250	1,800	2,400	2,600	8,500
TB and Malara	120	120	120	120	120	600
Total HIV/AIDS Spending	2,040	2,540	3,090	3,690	3,890	15,250

[1] Beginning in FY2005, funding for the Mother to Child Initiative is part of the Emergency Plan.

Mr. STEVENS. It shows in 2004, $2.040 billion; in 2005, there is $2.540 billion; in 2006, there is $3.090 billion; in 2007, $3.690 billion; in 2008, $3.890 billion. In all, the total is $15.250 billion over the 5-year period. This is a commitment that we will keep.

I think it is wise to start this program on a sound basis. This summary I have had prepared shows all treatment of AIDS and all of our programs other than defense.

The last chart I want to put in the RECORD shows zero for defense, as far as AIDS is concerned. In the lump sum we have for medical research, I know there is a sum of money that continues to be spent in pursuing the research base for a way to prevent transmission of AIDS, to develop a vaccine for AIDS. That is not disclosed on this, so there is actually more than this in the total amount for the bill.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Program	FY'03 appropriation	FY'04 budget request	FY'04 recommendation???—dependent on allocation
Subcommittee—Foreign Operations:			
Child Survival Assistance for bilateral programs	591,500,000	650,000,000	685,000,000
Child Survival Assistance for Global Fund	250,000,000	100,000,000	300,000,000
Other Economic Assistance	38,500,000	40,000,000	50,000,000
Bilateral Malaria & AIDS	105,000,000	105,000,000	105,000,000
State Department Global AIDS Initiative	0	450,000,000	450,000,000
Other	2,000,000	1,500,000	1,500,000
Total Foreign Operations	987,000,000	1,346,500,000	1,591,500,000
Subcommittee—Labor-HHS:			
CDC Global AIDS program	142,569,000	143,763,000	142,569,000
CDC Mother to Child Transmission	40,000,000	150,000,000	90,000,000
CDC International Applied Prevention Research	11,000,000	11,000,000	11,000,000
NIH International Research	252,300,000	274,700,000	274,700,000
DOL AIDS in the workplace	10,000,000	0	0
Global Fund Contribution from NIH	100,000,000	100,000,000	150,000,000
CDC Malaria & Tuberculosis	15,000,000	15,000,000	15,000,000
Total Labor-HHS	570,869,000	694,463,000	683,269,000
Subcommittee—Defense:			
DOD HIV–AIDS education w/African Armed Forces	7,000,000	0	0
Subcommittee—Agriculture:			
Section 416(b) Food Aid	25,000,000	0	0
Total—All Subcommittees	1,589,869,000	2,040,963,000	2,274,769,000

Mr. STEVENS. Does the Senator from West Virginia wish to make an additional statement before I make a motion to table?

Mr. BYRD. Yes, I do, and there are other Senators who wish to speak on this.

Has the Senator yielded the floor?

Mr. STEVENS. Yes, I have.

EXHIBIT 1

THE WHITE HOUSE,
Washington, July 17, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Department of Defense FY2004 appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the FY2004 budget request of $2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including $200 million for the Global Fund to Fight HIV/AIDS, TB, and Malaria. This request is a solid first step in fulfilling the President's commitment of providing $15 billion over the next five years to address the HIV/AIDS pandemic in Africa, the Caribbean and around the world.

I recently finished traveling to Africa with the President where he saw first-hand the positive impact that current U.S. funding is having in caring for the sick, providing treatment for individuals living with HIV/AIDS and extending lives. He also witnessed

the vast infrastructure and capacity challenges that need to be addressed in order to scale-up many of these efforts.

It is by careful design that the President's FY2004 budget request is for $2 billion. This request was based on the sound judgment that funds in excess of this amount could not be spend effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure based needed to ensure delivery of appropriate medical treatment protocols and the long term success of this initiative.

These funds are vital to our efforts to combat HIV/AIDS abroad, but must be spent in the right way, at the right time. Similarly, efforts to increase funding to the Global Fund to Fight AIDS, TB and Malaria are not appropriate at this time. Currently, the United States is responsible for over 40% of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the U.S. in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's FY2004 budget. I appreciate your unwavering leadership on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,

DR. JOSEPH F. O'NEILL,
Director, Office of National AIDS Policy.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there is ample precedent for across-the-board cuts in the Defense bill. In fact, the language is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. Even with these cuts, the procurement, research, and development accounts remain $2 billion above the President's request and $6.7 billion above fiscal year 2003. So the procurement, research, and development accounts are robustly funded.

This amendment provides the funds called for in the 78-to-18 vote last week on the State Department authorization which called for $3 billion.

I understand Senator HARKIN wishes to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in strong support of the amendment offered by Senator BYRD. This amendment fulfills a promise we made to the entire world to fund the global AIDS initiative. When I say ''we,'' I mean all of us—the Congress and the President of the United States. President Bush made this promise to fund the global AIDS initiative at $15 billion, $3 billion per year for 5 years, in his State of the Union Address last January. I was there. I remember when he said it.

I remember after the President made that commitment, everyone—Republicans and Democrats, House Members and Senators—all stood and gave him a prolonged standing applause for that commitment. The President even signed a bill authorizing this money. We passed a bill saying, yes, we authorize it.

Recently, the President has traveled through Africa restating this commitment, and I was quite taken by the President's words in Africa saying we were going to meet our commitment and we would provide the $3 billion this year. Yet the President neglected to include this full funding in his budget for this initiative. Rather than calling for $3 billion in 2004 that was promised and authorized, the President's budget calls for a mere $1.9 billion, falling far short of the promises he made and we made.

Yet the President is in Africa saying we are going to provide $3 billion. Basically, I think he said we have provided $3 billion. That is what is authorized. We know around here you can authorize anything but until the Appropriations Committee appropriates the money it is meaningless.

Here is the President saying we came up with the $3 billion to fight AIDS in Africa, the African leaders applaud him, thanking him for that, and yet he only put $1.9 billion in the budget.

Millions of people experience pain and suffering caused by the AIDS epidemic. People around the world are being robbed of healthy and productive lives. This epidemic is ravaging families, communities, and economies across the globe, nowhere more so than in Africa. The United States has a responsibility to fulfill the promise we made.

The amendment offered by the Senator from West Virginia would uphold our commitment, our promise, to fight the AIDS epidemic and our promise to adequately fund the initiative. This amendment offered by Senator BYRD provides the full $3 billion for 2004, the full $3 billion that the President was taking credit for and touting in his recent trip to Africa. This would be offset by taking the $1.1 billion from the amounts appropriated for the Defense Department procurement and research account. The amendment by Senator BYRD would add to the $1.9 billion the amount of $1.1 billion to bring it to the $3 billion level promised by President Bush on his recent trip to Africa.

Let me be clear: This money is not coming out of the salaries of our troops or the support for our troops. It is not coming out of our work in Afghanistan. This money comes from two titles of the Defense appropriations bill that include $1.25 billion more than the President's budget request.

We are spending in this bill about $1 billion a day for the Armed Forces, for defense. There is no excuse to deny the AIDS initiative that we promised, the President promised, the President touted so earnestly on his trip through Africa. There is no excuse to deny the $1.1 billion more a year to bring it to the $3 billion level.

Again, sometimes I am sure people wonder about what we are doing. The average American probably does not understand the difference between an authorization and appropriation. What is the difference? That is where the confusion is.

Last week the Senate overwhelmingly voted 78 to 18 in support of a sense-of-the-Senate resolution stating that the global AIDS initiative should be fully funded. That means we should fund it at the $3 billion level.

Now the Senate needs to put its money where its mouth is. This is the amendment by which we can do it. It does not detract anything from our troops. It comes out of an account that is even $1.25 billion more than the President's budget request.

We all just returned from a joint session of Congress and we listened to Prime Minister Tony Blair speak. I thought it was a fine speech; maybe even more than that. I thought it was a very good speech in all of its aspects. But there was one aspect that pertains to what this amendment is about. Prime Minister Blair said at one point in his speech that we cannot—we, being the United States—walk away from our other commitments in the world aside from national security. He mentioned specifically the AIDS catastrophe that is happening throughout Africa. He said we have to meet our commitments and our responsibilities there, and he got a standing ovation for that.

It is nice to give standing ovations to the Prime Minister of Great Britain when he says we should meet our responsibilities to meet the AIDS crisis. It is nice to vote for a sense-of-the-Senate resolution that says we should fully fund it. It is nice to even vote for the authorizing bill authorizing we fully fund it.

But there is another thing that Prime Minister Blair said that I thought was worth noting. I am paraphrasing because I don't have the speech; I am just remembering it. He said something about our reputation, about making sure we stood strong for what we believed in and that we stand up to what we have committed to. If we do not, then what is the rest of the world going to think? They will think, OK, that is what the United States says but the only thing the United States ever backs up is military action. I hope it does not boil down to that, that the only thing we ever back up in terms of commitments is a military commitment. We ought to look upon the other commitments in the same light. Once we make the commitment and we make the promise, we fulfill it and we keep it. This is one that compels us to give an overwhelming vote to the amendment offered by Senator BYRD. This is the amendment that does it.

I know there will be arguments saying we cannot take it out of defense. As I pointed out, it comes out of an account that is $1.25 billion more than what the President even requested.

Now is the time to stand up and be counted. Now is the time to back up our reputation for being a caring nation and for being a nation that stands behind its word. We gave our word. The President, 2 weeks ago, gave his word in Africa for $3 billion and yet we have

only come up with $1.9 billion. Now is the time to come up with the full $3 billion.

Mr. STEVENS. Will the Senator yield?

Mr. HARKIN. I yield.

Mr. STEVENS. Does the Senator have a quote that the President would spend $3 billion?

Mr. HARKIN. I don't have the quote but I will get it for you in a short amount of time. The President, if I remember right, said in Africa that we have—again, I am paraphrasing; I don't know if I have the right word—but we have pledged $3 billion this year to fight AIDS in Africa. He said that in Africa.

Mr. STEVENS. I would like to see that. I would be happy to see that quote.

I don't want to interrupt the Senator.

Mr. HARKIN. I will get my staff to run it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President I will speak for a very few minutes on this same issue and indicate my strong support for the amendment Senator BYRD has offered.

As my colleague, Senator HARKIN, indicated, I strongly support this amendment. I believe this is the obvious follow-on to the vote we had last week where 78 Members of the Senate agreed when appropriations bills did come to the Senate we would vote to fully appropriate the funds that were authorized in the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. That was legislation we passed earlier this year that I strongly supported. It did provide $15 billion worth of funds. It authorized $15 billion worth of funding for this purpose. It was a follow-on to the President's State of the Union speech.

In the State of the Union speech, the President committed this country to this initiative. I strongly supported it. Then, as a follow-on to that State of the Union speech, we passed the authorizing legislation which, as I understood it, said we will appropriate $3 billion a year for 5 years in order to fight this terrible epidemic of infectious disease we see around the world.

From my perspective, the question is whether we consider this to be an urgent problem. If we do consider it to be an urgent problem, then I think the funding that was laid out in that authorization bill is the right funding. I was surprised to hear the quotations from the letter Dr. O'Neill has sent on behalf of the administration indicating the administration does not want $3 billion this first year, 2004. It does not want $3 billion the second year, 2005. And only in the later years is the administration going to be requesting $3 billion or more in order to make up the full $15 billion.

That would be an appropriate approach to a problem that is not urgent. That would be an appropriate approach to a problem we can just as well deal with 3 years from now as today. But this issue is not that type of problem. This is an urgent problem. Accordingly, I think it is entirely appropriate that we try to fund this AIDS initiative the way it was designed in the authorizing legislation, the way the President signed off on it in the authorizing legislation, and the way I thought all of us had agreed to proceed with it.

The statistics are devastating. We have gone through those to great lengths here, the number of teachers who are being lost because of HIV/AIDS, the number of people who are going untreated with HIV/AIDS in Africa because of lack of resources. The global AIDS fund is desperately in need of additional resources. We have committed $200 million rather than the full $1 billion that was anticipated we would commit this year.

We can, obviously, fall back on a 5-year plan and say: Look, we never did intend to give you $3 billion the first couple of years. We are sorry if you misunderstood us. But the truth is most Members of Congress and I think most Members of the Senate—I certainly can speak for myself. When I voted for the authorizing legislation, I assumed we were going to appropriate the funds we were authorizing in that bill on that schedule in order to get to the $15 billion. That was my assumption.

I can understand the reluctance to take any funds out of the defense budgets. I have supported defense budgets virtually every year since I have been in the Senate. I intend to support the budget again this year. But this is a very small amount. This is funding which can readily be replaced in a supplemental. There will be a defense supplemental down the road. We have all talked about that. Most of the discussion in the last 2 days is how we have the defense supplemental coming. We have already passed one this year. We will have another one next year. This is a very appropriate place for us to identify some funds we can use for this urgent need.

In its January 2000 report, The Global Infectious Disease Threat and Its Implications for the United States, the CIA noted that over the next 20 years HIV/AIDS and associated diseases in sub-Saharan Africa would:

> . . . kill up to a quarter of their populations . . . (and) this will further impoverish the poor . . . and produce a huge and impoverished orphan cohort unable to cope and vulnerable to exploitation and radicalization.

The estimate predicted increased political instability and slower democratic development as a result of AIDS.

According to the World Bank:

> The illness and impending death of up to 25 percent of all adults in some countries will have an enormous impact on national productivity and earnings. Labor productivity is likely to drop, the benefits of education will be lost, and resources that would have been used for investments will be used for health care, orphan care, and funerals. Savings rates will decline, and the loss of human capital will affect production and the quality of life for years to come.

More than 30 percent of teachers are HIV positive in parts of Malawi and Uganda, 20 percent in Zambia, and 12 percent in South Africa. AIDS is killing people at middle and upper levels of management in both business and government; the trained personnel to replace them are not available.

Without a workforce, there is no productivity. Without productivity, a country's economy quickly deteriorates and the government collapses into chaos. All too often, terrorism and fanaticism springs forth from this chaos and begin to spread outwards from its birthplace, inflicting damage and destruction on other countries.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

AIDS has serious implications for issues of security in Africa, since HIV infection rates in many armies is extremely high. Domestic political stability is threatened when security forces become unable to perform their duties due to AIDS. Peacekeeping efforts on the part of more stable African nations are at risk as well as rates of infection among the peacekeeping troops grow. While he was in Nigeria last week, President Bush said:

> We will not allow terrorists to threaten African peoples or to use Africa as a base to threaten the world.

If we underfund the efforts to fight HIV/AIDS and its associated disease, we will be allowing just that.

The HIV/AIDS, TB, and malaria pandemic in Africa is an international emergency. While visiting Botswana last week, President Bush declared:

> This is the deadliest enemy Africa has ever faced, and you will not face this enemy alone.

Congress conveyed the same message last week in passing an amendment that asserted its belief that nothing short of full funding for HIV/AIDS, TB, and malaria should be appropriated. The Byrd amendment allows us to do just that, and to do so without cutting vital services to other international health programs. The funding to do this would result from a .079 percent cut for all programs and activities within Title III and Title IV. These two Titles are receiving $3 billion more in funding than President Bush requested in his budget for fiscal year 2004. The Byrd amendment allows full funding for international HIV/AIDS, TB, and malaria programs. It allows the promise made to be a promise kept. I urge my colleagues to support this amendment.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

I hope very much we can support the amendment of Senator BYRD. I hope it will get the same 78 votes we got for the sense-of-the-Congress resolution last week when we talked about whether we were going to appropriate money on the same schedule and at the same level we had authorized money in the earlier legislation this year.

I commend the Senator from West Virginia for his amendment. I will certainly support it and I urge my colleagues to do so as well.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of Senator BYRD's amendment which I have cosponsored.

The Senate worked hard and passed the Global AIDS Initiative back in May. At the President's request, this bipartisan authorization bill calls for $15 billion to help fight the spread of HIV and AIDS in Africa. The bill authorized $3 billion for this fight this year. This money is desperately needed.

Approximately 29 million people, including 10 million people between the ages of 15 to 24 and 3 million children under the age of 15, are currently living with HIV/AIDS worldwide. The future spread of this epidemic depends in large measure on whether the world will accurately teach young people how to protect against contracting HIV and AIDS.

Yesterday, I learned something very disturbing. The White House sent a letter to Congress asking to limit funding to $2 billion. That is $1 billion short.

I don't understand why President Bush, who has talked about his commitment to help fight AIDS in Africa over and over again, would ask for less money.

We must back up our promises with real action, not phony rhetoric.

Successful, proven programs for prevention, care, and treatment do exist but they are still small in scale, with many programs starved for resources. At least $9.2 billion is needed to mount a response to the AIDS crisis according to UNAIDS.

Current global spending to address the crisis is far below this, at about $1 to $2 billion.

A fair contribution by the U.S. Government to the global HIV/AIDS response would be between $2.75 and $3 billion given our share of the global economy, close to 30 percent. The United States is spending just over $500 million on global HIV/AIDS this year; and now President Bush is asking Congress to appropriate $1 billion less than it authorized for next year.

The tragic impact of the AIDS epidemic is undeniable. One in every three adults in Africa is living with HIV/AIDS. Across the world, each year, 800,000 infants contract HIV before or during birth. Ninety percent of these HIV-infected babies are in sub-Saharan Africa.

The global AIDS bill has the power to save lives through a combination of prevention and treatment. But in order to be effective, we must provide the necessary resources.

In a speech last week during his trip to Botswana the President pledged that the U.S. would be a partner in the battle against a disease that has already killed more than 17 million in sub-Saharan Africa, and talked of his proposal to spend $15 billion over 5 years to help the hardest-hit African and Caribbean nations battle AIDS. That means Congress should be spending $3 billion a year. Now the President's own person—the Director of the Office of National AIDS Policy—is asking for $1 billion less. The message this sends to the world is discouraging.

A failure to provide full funding is a setback that will cost lives. I urge the Senate to support Senator BYRD's amendment.

Mr. LEAHY. Mr. President, I support this amendment of my friend, the distinguished senior Senator from West Virginia.

A couple of months ago, at the U.S. Coast Guard Academy, the President spent a good deal of time talking about the global AIDS crisis, the worst public health threat in human history. I commend him for that, and for going to Africa, which highlighted the devastation caused by AIDS there.

President Bush has shown real leadership on AIDS, although it is important to mention that a bipartisan group in Congress has been pushing for stronger action on AIDS for years.

A short time after the President's Coast Guard Academy speech, we passed the United States Leadership Against AIDS, TB and Malaria Act, which authorized $15 billion over 5 years to combat AIDS, tuberculosis and malaria. That was consistent with what the President proposed in his State of the Union address back in January. It was an important step. It showed that we are beginning to take the AIDS pandemic seriously.

But that was an authorization bill. It did not appropriate any money. For all intents and purposes, it was like writing the check with out enough money in the bank.

Let me explain. The President's budget request contains only $1.9 billion of the $3 billion we authorized for AIDS for fiscal year 2004. $1.9 billion is a good step, but we should do more. It remains to be seen whether the promise of that authorization bill—a promise with which I agree—will be fulfilled.

The amendment of the Senator from West Virginia is the first real test of that.

The United States Leadership Against AIDS, TB and Malaria Act also called for up to $1 billion for the Global Fund to fight AIDS and TB and Malaria. Again, a promise. For fiscal year 2004, the President has only budgeted $200 million for the Global Fund, which is one-fifth of the amount authorized. It is also a cut of $150 million from what was appropriated last year.

There is another problem. While the President's fiscal year 2004 budget for Foreign Operations includes approximately $1.3 billion to combat HIV/AIDS, it robs Peter to pay Paul to pay for increases in HIV/AIDS programs, as the President's budget would cut other essential international health programs from 5 to 63 percent.

Child survival and maternal health programs are cut by 12 percent. These are the programs that provide life-saving child immunizations. They also help to reduce the 600,000 pregnancy-related deaths each year that could be avoided. Instead, the President's budget cuts these programs by 12 percent.

It would cut programs to combat other infectious diseases like measles. Measles kills 1 million children—not 100,000 or 200,000—but 1 million children a year. Again, this is something which is easily preventable. Every one of us can just go to the doctor's office and get our children and grandchildren immunized against measles. In many poor nations, parents and grandparents do not have that luxury. They need our help.

The President's budget cuts funding for programs which combat measles, polio, SARS, ebola and other deadly diseases by 32 percent.

These are not my numbers, these are the administration's numbers. These numbers are in the President's budget.

These cuts will hurt children the most in countries where vaccines costing a few pennies make the difference between life and death. That is not acceptable.

If somebody said to us, look at those five children, you can save their lives by spending a dollar, would we do it? Of course, we would do it.

These are not Democratic or Republican programs. I have been joined time and again by colleagues on the other side of the aisle who support these health programs in both the Senate and the House.

Anyone who knows anything about public health knows that building the health infrastructure in developing countries is essential if you are going to effectively combat AIDS. It is the same thing with child nutrition. It is the same thing with maternal health. You don't fight AIDS in a vacuum. It isn't an either/or proposition. People who are malnourished, who are in poor health, who have weak immune systems, who are at risk of other infections, are far more vulnerable to AIDS. It is common sense.

Mr. President, we hear a lot of speeches here. We may feel good about giving those speeches, but I do not feel

good about lofty rhetoric that bears little resemblance to reality, especially when it deals with a catastrophe like AIDS. The President's budget falls short. The allocation for Foreign Operations falls short. We have to do something.

Senator BYRD's amendment builds on an amendment offered by Senator BINGAMAN to the State Department Authorization a couple of weeks ago. That amendment, which passed 78–18, called for full funding—$3 billion, for the first year of the President's $15 billion AIDS initiative, even if it means exceeding the budget ceilings. This amendment does not exceed the ceilings.

This amendment would provide full funding of the United States Leadership Against AIDS, TB and Malaria Act. It is what we said we would do. Senator BYRD's amendment would do it.

His amendment would provide the additional $750 million we authorized for the Global Fund to Fight AIDS, TB and Malaria. And it would provide $350 million for CDC and NIH programs to combat AIDS. That is what we said we would do when we passed the AIDS authorization bill, and again when we passed the Bingaman amendment.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. We are going to have to start keeping our promises.

Leadership is good policy. Leadership means resources. Leadership is not a press release.

Let's stop the rhetoric. Let's do what needs to be done to stop the 15,000 new HIV infections that occur each day. Then the United States can show the promise and the moral leadership a great Nation should show.

Mr. DASCHLE. Mr. President, Senator BYRD has once again laid before the Senate a critical challenge. The numbers he has cited are staggering, confirming what we all know too well: that the world has never known a pandemic greater than the AIDS pandemic.

At the end of last year, there were nearly 43 million people living with HIV. Since January 1, there have been at least 15,000 new HIV infections daily, meaning that we can expect another 45 million infections by 2010. These numbers do not begin to tell the story of the suffering—that story I have seen in the faces of suffering mothers and fathers, daughters and sons throughout Africa and Central Asia.

We simply must do more to stop this crisis.

Given the enormity of this challenge, I regret that I cannot vote for Senator BYRD'S amendment. The amendment would pay for this vital increase with a rescission in other defense programs. Just as I have objected to the President's cuts in other vital global health programs to fund the limited AIDS funding increase in his budget, I must vote against this important amendment.

But this will not be the last word. As soon as we can—on the Labor appropriations bill or on the foreign operations appropriations bill—I will work with my colleagues to provide new money for this vital fight. New resources that will fund the promise we made earlier this year with the global AIDS authorization. New resources that will not come out of a bill that must fund our Armed Forces and other emerging threats. New resources that will help us get a leg up on this deadly pandemic.

We must not—we will not—stand down in this battle.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the subject of how much money it takes to comply with the authorization and requests on AIDS is not a matter for the Defense bill. This is an attempt to take defense money and shift it over to the Health and Human Services bill and the State bill in anticipation that those bills will not meet the satisfaction of those who want to see this money put out on $3 billion a year rather than $15 billion over 5 years.

I understand the motivation for that: to put up more money. But that money is divided between the Labor, Health and Human Services subcommittee on the one hand and the State-Justice-Commerce bill on the other hand. Or perhaps some of it might go into the foreign operations bills. I don't know. But it is not defense.

What this is doing is suggesting we take defense money that is needed to replace the helicopters we have lost, to repair damage to the equipment we have had damaged in Afghanistan and Iraq, and it also goes to eliminate other items that are needed in terms of modernization.

I oppose this amendment for that reason alone right now. I am not prepared to get into the argument about the total amount we have for AIDS, in terms of whether or not there is a commitment for $3 billion a year or $15 billion over 5 years. The point is, as the manager of this bill, my task is to assure we get the money we need for defense.

It is an enormous amount, I say to those who say it is $1 billion, that is true—$1 billion a day. We are spending approximately $1 billion a day for defense globally and that is a whale of a lot of money. I am often reminded of Senator Dirksen saying a billion here and a billion there and it becomes real money. There is no question about it, this is real money.

But this is not the bill on which money is allocated for AIDS under global AIDS. On that basis alone I ask the Senate to support my motion to table the amendment of the Senator. Does the Senator from Nevada wish to speak before I make that motion?

Mr. REID. I would, very briefly.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would rather the money for this amendment would come from someplace else. I hate to see it coming from the Defense bill. But as the Senator from New Mexico indicated, this is a very large bill.

My problem is, however, we have people in this administration going around giving speeches about things that have been authorized and not appropriated.

We had the problem with the Leave No Child Behind. The State of Nevada is in desperate shape in education for a number of reasons, not least of which is the obligations the State of Nevada has because of the unfunded mandate given as a result of the Leave No Child Behind. The State of Nevada still, as we speak, doesn't have a budget. They should have had one months ago.

We had the same situation on homeland security. We finally passed the 11 appropriations bills. As the distinguished ranking member of the Appropriations Committee would acknowledge, he and a number of us tried in many different ways to have money added to take away from the burden of State and local governments for homeland security. We couldn't get that money. We got some money but not enough money.

Then when the President signed those 11 bills, you will remember, even Republicans got upset because he said: I like the bill for everything except there is not enough money for homeland security.

We did everything possible to get more money for homeland security and we simply were not supported by the administration. Even Republicans said that was going too far.

Education, homeland security, and now we have the President and members of his administration going around talking about global AIDS and what a terrible thing it is. And it is. I was in Africa with the Senator from New Mexico and the distinguished Democratic leader last August. On the continent of Africa, over 6,000 people are dying every day from AIDS. Over 6,000 people every day, 7 days a week, and no holidays.

Last week I offered an amendment on the State Department authorization bill to get money for Mexico, a free enterprise system, microlending to help that country pick themselves up and help so people are not streaming across our borders because they are poverty stricken.

I got an e-mail saying, Why are you giving money to those Mexicans? We need money at home. Why give money to those Mexicans? It was the right thing to do, not simply because it helped the Mexican people but because it helped us. That amendment helped us. It helped the United States. It helped everyone in the United States. For every person who doesn't try to come across the border illegally, and doesn't get across, it saves this country money.

Mr. President, this AIDS money also helps us as a country. We are better off

if we don't have 6,000 people dying on that continent.

As I said, I wish there was some other way to get this money. But we have to make sure the people of America understand the difference between authorizing and appropriating. It is easy to make speeches saying we authorize this. But if you do not appropriate the money, it winds up being nothing.

Today we reported out of the Energy Subcommittee the energy and water bill. We did the best we could in that bill. But we have thousands of projects that have been authorized and which are desperately needed in our various States around the country. We don't have enough money to pay for them. We have done a disservice, in many instances, by authorizing money and then not appropriating it. The Senator from West Virginia is not dumping money into Africa which would not help this country. That money to fight global AIDS is going to directly help the United States of America.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, let me reiterate a few things that have already been said. This is not an across-the-board cut on an entire bill. The language here is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. In other words, there is ample precedent for the way we are providing the money. Even with these cuts, the procurement and research and development accounts remain $2 billion above the President's request and $6.7 billion above fiscal year 2003. These are real budget funds. Here we have a $368 billion Defense bill. We shouldn't hesitate to reduce it by $1.1 billion to pay for a program as important as global AIDS. I know the administration says it doesn't want that much money this year. The administration prefers doing the ramped-up approach.

People understand simple math. Fifteen billion dollars over 5 years is $3 billion a year. I think we should provide the full $3 billion. People understand that is certainly going to be $15 billion over a 5-year period if we do it $3 billion a year. It is easy to understand that. But by doing the ramped-up approach, it appears that the President is not fulfilling his commitment. I want to help him fulfill that commitment.

I remember, as well as the distinguished Senator from Alaska does, when we were trying to provide moneys for homeland security. We tried to provide moneys for our firemen, our policemen, and our health personnel. We were told by the then-Director of Homeland Security, former Governor Tom Ridge, in a letter that they didn't need that much. It seems that the administration doesn't need the money if some effort is being made on this side of the aisle to provide the money that the administration needs. They know they don't need that then and they come back later and ask for it themselves. They say they need it then.

This is an opportunity to show the world that we mean what we say. This is an opportunity to show the world that the President means what he says.

Here we are quibbling over eight-tenths of 1 percent. We are fiddling over that little measly amount of money when we could adopt the amendment. People of the world would understand what we are saying. They would believe the President is backing up his commitment. Why do we quibble over a few tenths of 1 percent here?

I have made the case.

I ask unanimous consent that certain letters I have received be printed in the RECORD. These are letters of support for the amendment. They come from the Global AIDS Alliance, the Episcopal Church Office of Government Relations located in Washington, DC, Physicians for Human Rights, the General Board of Church and Society of the United Methodist Church, and the Center for Health and Gender Equity.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL AIDS ALLIANCE,
Washington, DC, July 16, 2003.

Senator ROBERT BYRD,
United States Senate,
Washington, DC.

DEAR SENATOR BYRD: We would like to express our deepest appreciation for the amendment you plan to offer to the Defense Appropriations Bill, which would increase funding for the fight against the AIDS pandemic. The attached letter from diverse national and international groups shows clear support for the level of increase your amendment would provide.

Your amendment reflects a realistic appraisal of the true scale of the epidemic and of the real and serious threat to US national security it poses. The US National Intelligence Council has warned AIDS is poised to destabilize areas of high US strategic interest. On July 3, the US Centers for Disease Control warned that China, India and other parts of Asia were threatened by what it termed an ''AIDS catastrophe.'' Humanitarian considerations alone are enough to justify full US support for the fight against AIDS, but these strategic considerations show that it is only appropriate your amendment be approved during consideration of the Defense Appropriations Bill.

The fight against this global threat would be significantly bolstered by your amendment. The $1.1 billion increase would allow the US to make good on its $3 billion commitment to the global effort against AIDS and other health threats in FY 2004. Providing $750 million of the increase to the Global Fund to Fight AIDS, TB and Malaria makes particularly good sense from a public health perspective. The Fund can efficiently utilize these resources, and it can provide them not only to Africa but also to such seriously impacted regions as Asia and Eastern Europe. We also support providing a portion of the increase to AIDS programs run by the Department of Health and Human Services.

Already, twenty five million people have died from AIDS. Around the world, more than 42 million people are infected with the virus and few of these have access to life-saving medicine. If we don't act now, there will be 25 million AIDS orphans facing a bleak future by the end of the decade. Yet, as the Director of UNAIDS, Peter Piot, recently noted, ''[T]he mismatch between need and funding continues to be one of the biggest obstacles in the struggle to control the epidemic.'' Your amendment would ensure the US shows full leadership in the global effort.

Sincerely,

DR. PAUL ZEITZ,
Executive Director.

THE EPISCOPAL CHURCH,
Washington D.C., July 17, 2003.

DEAR SENATE: We are writing on behalf of the Episcopal Church to urge your support for a Byrd amendment that would increase funding to help fight the global AIDS pandemic. Senator BYRD is expected to offer this amendment during Senator floor consideration of the Defense Appropriations bill. The amendment would increase AIDS funding by $1.1 billion, with $750 million of that amount to be earmarked for a U.S. contribution to the Global Fund and the remaining $350 million to be allocated by the Department of Health and Human Services for overseas AIDS spending. This additional $1.1 billion in spending would increase total 2004 global AIDS spending to $3 billion a year, an amount equal to a first year installment in President Bush's five-year, $15 billion Emergency Global AIDS Initiative.

The global AIDS crisis is a priority for the Episcopal Church. Our partners in the Anglican Communion, serving Christians and their communities in 165 countries worldwide, face the daily hardships caused by this terrible disease. In parts of Africa, where over half of the Anglican Communion resides, the AIDS pandemic has created more than a health crisis: it has decimated the workforce, led to a collapse in education systems, deepened poverty, undermined the production of agriculture, and created millions of orphans and vulnerable children. However, AIDS can be beaten. The experience of a successful AIDS program in Uganda makes this clear. Uganda implemented a national AIDS program, and in just ten years, reduced that country's AIDS rate from 15 percent to 5 percent.

Today, we have an effective new mechanism that can build on success stories like Uganda's. The Global Fund to Fight TB, AIDS, and Malaria allows for a coordinated global response to the AIDS pandemic. Global Fund grants are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs. The Fund focuses on providing support for successful programs on the ground and leveraging our allies to do their fair share to fight AIDS. Just this week, an international conference was convened to review to date the progress made by the Global Fund and to address funding issues. The European Union is now committed to raising $1 billion for the Global Fund. U.S. leadership is clearly serving as a catalyst in leveraging the financial support of other major donor countries. A significant U.S. contribution would further challenge other donors to do more to support The Fund.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. The Byrd amendment would be offset by a small reduction in proposed spending by an amount less than eight-tenths of one percent. Even then, the Senate would still provide more for procurement than was requested in the President's budget.

We urge your support for the Byrd amendment to the Defense Appropriations bill. Now is the time for Congress and the President to make good on the promise to fully fund the Global AIDS Initiative and a U.S. contribution to the Global Fund. Your support can make a significant contribution in

the effort to launch this much-needed world health campaign.

Sincerely,

MAUREEN T. SHEA,
Director of Government Relations.
JERE MYRICK SKIPPER,
International Policy Analyst.
PHYSICIANS FOR HUMAN RIGHTS,
Boston, MA, July 17, 2003.

Hon. ROBERT C. BYRD,
United States Senate,
Washington, DC

DEAR SENATOR BYRD: We thank you for your efforts to ensure that the full $3 billion authorized for fiscal year 2004 by the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 is appropriated. These diseases kill 6 million people per year, or more than 16,000 per day, making it crucial that the full level of authorized funding to combat them is authorized. Physicians for Human Rights therefore strongly supports your amendment to appropriate an additional $1.1 billion for HIV/AIDS funding, including $750 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

We are especially pleased that your amendment includes strong support for the Global Fund. The Fund is facing a shortfall of up to $600–800 million for this year, and needs an additional $3 billion through 2004. The Fund is already proving its efficiency at quickly distributing funds based on an innovative, country-driven process that ensures the participation of civil society and that proposals adhere to best scientific practices. These features, along with the Fund's multiple accountability mechanisms, make the Fund an excellent mechanism to deliver funds to resource-poor countries, and it deserves the full support of the United States.

The proposals coming into the Global Fund demonstrate that countries have plans to spend resources, what they lack are the resources. When President Bush was in Africa last week, he saw both the awesome need for funding and the equally tremendous energy and commitment of the African people to overcome the diseases that plague their continent. The President and the Congress must trust that given the resources, this energy and commitment will be translated into results. This is already happening throughout Africa—where the resources are available.

African health professionals, who are among those in the best position to know what their countries need and what they can spend, are urging the United States to appropriate $3 billion this year. So are American health professionals who have extensive experience in fighting HIV/AIDS in Africa. We are including a letter that includes their strong support for $3 billion in fiscal year 2004 appropriations to fight HIV/AIDS. In a short time, it was signed by 35 African health professionals from 13 countries and 67 American health professionals, along with 13 health professionals from other countries.

Again, we thank you for offering your amendment, and urge your colleagues to support your amendment.

Sincerely,

LEONARD S. RUBENSTEIN,
Executive Director,
Physicians for Human Rights.

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,
Washington DC, July 17, 2003.

Senator ROBERT BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: I am writing to extend our support to your proposed amendment to the Defense Appropriations bill that will increase the level of funding for HIV/AIDS, Malaria and TB. The United Methodist Church strongly advocates for full funding of the AIDS Initiative proposed by President Bush in his State of the Union speech as well as the U.S. Leadership Against AIDS, TB and Malaria Act of 2003. It is our hope to see $3 billion for FY2004 appropriated which would include one billion dollars for the Global Fund.

We know know that AIDS can be beaten. The experience of Uganda makes this clear. The HIV rate in Uganda was reduced from 15% in 1990 to approximately 5% according to UNAIDS. Today, we also have effective mechanisms to build on the success in Uganda because of the creation of the Global Fund to Fight AIDS, Malaria and Tuberculosis.

The Global Fund, chaired by Health and Human Services Secretary Tommy Thompson, is scaling up successful programs on the ground and leveraging our allies to do their fair share in the fight against AIDS. Grants by the Global Fund are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs.

As we listen to our United Methodist brothers and sisters particularly in Africa, it becomes quite clear that this bill is one of the most critical pieces of legislation considered by Congress. The full funding of this is necessary if we are to make any significant impact in the pandemic. I thank you for your leadership on this issue and wish you the very best as you proceed forward with this important task.

Peace and grace,

LINDA BALES, Program Director,
Louise and Hugh Moore Population Project.

CENTER FOR HEALTH AND GENDER EQUITY,
Takoma Park, MD, July 17, 2003.

Hon. ROBERT BYRD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BYRD: I am writing to express my strong support, on behalf of the Center for Health and Gender Equity (CHANGE), for your effort to increase U.S. spending for global AIDS programs by offering an amendment to the Defense Appropriations bill.

CHANGE, a U.S.-based international women's health and rights organization, worked hard to develop and pass an effective global AIDS policy to respond specifically to the needs of women and girls in preventing HIV infection. While we are disappointed with some of the harmful provisions—particularly in regard to HIV prevention efforts—we feel the bill itself is a positive advancement and support fully funding this initiative. It is critically important for the U.S. government to appropriate a full $3 billion to combat global AIDS and make good on our promise to do so. Cutting unnecessary defense spending is an appropriate way to reach the authorized funding amount and support the essential Global AIDS Fund, since the President has failed to request an adequate amount in his own budget and has discouraged Congressional appropriators from providing sufficient funds in the foreign operations budget.

We applaud your leadership in this effort and are working to ensure passage of your amendment on the Senate floor.

Sincerely,

JODI L. JACOBSON,
Executive Director.

Mr. BYRD. Mr. President, I also ask unanimous consent that the names of Senators BINGAMAN and CANTWELL be included as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor. I thank the distinguished Senator from Alaska for his patience and for waiting until we could finish our statements before he moves to table.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I stand with much reluctance to speak against the amendment proposed by the good Senator. But I would like to commend him first for bringing this matter to our attention.

I think it should be noted that as of this moment this Nation has spent over $15 billion primarily in research. If this was a case where we had a vaccine or we had some drug or some medicine that could cure global AIDS and that we were not purchasing it in a sufficient quantity, that would be another issue. Then one could say this is an emergency and we need more drugs or we need more vaccines. But we are still in the process of developing this vaccine.

Experience has shown us that by merely appropriating money does not find solutions with these problems. One must train technicians. One must take time to do research. Men and women who are experts in this area and who have a schedule are much more knowledgeable to tell us at this stage whether we should be spending so much. Finally, when we hopefully reach that moment when we can tell the world we have found the vaccine and we have found the drugs that can do it, then we can spend huge amounts.

We have spent over $15 billion. It is not an easy problem. To say that it is complex would be an understatement.

If this amount suggested by my friend and mentor would cure the problem, I think all of us here would be supporting it. But I think all of us realize we are still at the development stage.

If you study the process followed by other development programs, you will note that we always start small and then grow up to a point where we can do the huge spending. But we still must develop the vaccine. We still must develop the medicine. And just spending money is not going to do that.

Much as I want to support my dear friends, I find that I will be supporting my chairman in the motion to table.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I had a conversation with the Senator from Iowa concerning the President's statement. I am informed by a call we made to the President's Director of AIDS Policy that in a background briefing with the press it was plainly spelled out that the President's request for 2004 was $2 billion but that there was an absolute commitment for $15 billion over 5 years.

I will say this. There is no question that the amount of money in this account is higher. This is one of the things I have been trying to say all day, that in this bill are substantial

amounts of money that relate to Iraq. That increase is for the procurement of aircraft, ammunition, and specialized equipment that was destroyed in Iraq. It is not being spent in Iraq, but it is being spent to replenish particularly the special operations command, special operations forces. They consumed a considerable amount of their equipment and supplies. That extra money will be in this account. It will be reduced $1.1 billion if this amendment is agreed to.

It would be my hope Senators would look at this as an amendment to take money from the Defense bill to meet the AIDS obligation. We will be back on this AIDS obligation next week, hopefully, when we get to the Health and Human Services bill.

We had authorized $370 billion in the Defense authorization bill. We have found here $3.69 billion, despite the fact we already took out of this account $3.1 billion and allocated it to nondefense accounts.

I do believe we have performed literally miracles—well, my squadron's motto in World War II was, ''We do the impossible immediately. Miracles take slightly longer.'' So I cannot say this was a miracle, but it sure was doing the impossible to try to find the money to try to meet the objectives of the Defense authorization bill, notwithstanding the fact that we have taken $3.1 billion out of it.

Mr. President, there is no question that there is no one on the floor of this Senate who is more committed to the war on AIDS than this Senator. I do not know how many people understand it. I believe I do understand it in the way that it replicates cells, destroys cells. It really is a total global plague now.

I am proud our President has made this commitment of $15 billion. Instead of standing here and challenging the commitment on the basis we have not provided $3 billion in the first year, we should applaud the President for making the commitment for $15 billion. I applaud him again today for that.

I also hope the Senate will understand we have reviewed every request for equipment that has been made in addition to those items that were authorized. We have allocated the money as best we can. The Senator from Hawaii and I have had no disagreements at all on that.

I, once again, am very proud of the support of my friend. And I do make a motion to table the amendment of the Senator from West Virginia, and I ask unanimous consent that vote on that motion take place at a time to be determined by the majority leader after consultation with the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Senator BYRD has specifically requested, many times—and I have relayed this, I think—at least I tried to—that he wants a vote when he completes the debate. So we should have a vote now.

Mr. STEVENS. I understand that.

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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. President, I ask unanimous consent that when the Senator finishes his remarks, I be recognized to make a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Alaska will be recognized following the conclusion of the remarks of the Senator from Iowa.

The Senator from Iowa.

Mr. HARKIN. I thank the Presiding Officer, and I thank the chairman.

Mr. President, I just want to clarify something to make the record as clear as I can. Earlier in my remarks, I had said the President, traveling in Africa, had stated that he wanted the full $3 billion for the AIDS funding in Africa for this year. The chairman of the committee had asked me about that, and I had said that I would come up with the documentation. Well, it is sort of half of this and half of that. I will admit now that the President did not specifically say: ''$3 billion.'' I wanted to admit that for the record.

However, the President did say—and I will quote his words exactly—on July 12, in Abuja, Nigeria:

> The people of Africa are fighting HIV/AIDS with courage. And I'm here to say, you will not be alone in your fight. In May, I signed a bill that authorizes $15 billion for the global fight on AIDS. This week, a committee of the House of Representatives took an important step to fund the first year of the authorization bill. And the Senate is beginning to take up debate.

And here is the key language:

> The House of Representatives and the United States Senate must fully fund this initiative, for the good of the people on this continent of Africa. . . .

Well, to ''fully fund this initiative.'' I have a copy of the authorizing language. The authorizing language says, specifically, under paragraph A(2):

> Authorize the appropriation of a total $15 billion for fiscal years 2004 through 2008.

Specifically, the act authorized $3 billion to be appropriated in fiscal year 2004 for HIV/AIDS and related programs. So, specifically, the authorizing bill authorized $3 billion in this coming fiscal year. The President said:

> The House and the Senate must fully fund this initiative.

He may not have said $3 billion, but what he said must mean $3 billion because that is full funding of the bill for next year. It is right, he didn't use $3 billion, but he said he wanted it fully funded. If it is fully funded, it must be $3 billion for this next year.

Secondly, the Secretary of State, on a briefing in South Africa, was asked a question:

> The House Appropriations Committee today cut back the first year's funding from about $3 billion to about $2 billion.

And Secretary Powell answered:

> I would, of course, have preferred full funding of the President's request to make the best use of the money that Congress has provided for this. And I'll wait and see the congressional action and see how this ultimately emerges from the Congress.

So here we have the President saying he wanted it fully funded. He says:

> The House and Senate must fully fund this initiative.

That can only mean that we must come up with the $3 billion. So while the President didn't specifically say $3 billion, that is the full import of his words that he spoke in Africa.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I asked for and have obtained a copy of the transcript that was made at the background briefing provided for the President's speech in Africa. This was made by Dr. Joseph O'Neill, the President's director for AIDS policy. He was asked this question by the press:

> Can you clarify something about the money issue? You've talked about full funding, but no one has yet defined what full funding is. Is it the $2 billion that the President originally requested for next year? Or is it the $3 billion that was in the authorization bill? Or is it something else?

Dr. O'Neill answered:

> Full funding and what we are going after is $15 billion over five years. Our request for this year, 2004, as you know, is $1.9 billion if you exclude the tuberculosis and malaria money.
>
> And I want to make a very clear point on this, because it's something where there has been continuing confusion. We have requested and will request $15 billion over five years. Now, in order to be effective with those dollars, we would be foolish to think we would spend the same amount every year. In order to do—particularly to do the treatment that is the cornerstone of this initiative—and I can say this because I'm a practicing physician myself, I still [see] HIV/AIDS patients, this is a very tough thing to do—in order to do that, we need to build a lot of infrastructure, we need to do a lot of training, particularly of health care workers. So for the first year, it's going to take less money to get the job done than it will in the outyears.
>
> So we've always been clear [on that], we've always tried to be clear that we've always intended to ramp up these dollars over five years for a total of $15 billion over five [years].

That is the statement on which we relied. Again, I come back to the fact that we are talking, in this instance, about the problem of the other bills that do handle HIV/AIDS and not this bill.

I understand the Senator from West Virginia would like to make a statement. I ask unanimous consent that he be permitted to make the statement before I renew the motion to table his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the facts are staggering. More than 5 million people are infected with HIV/AIDS each year. That is 15,000 people infected each day, 625 people infected every hour, more than 10 people every minute—people of virtually all ages, people in every corner of the world. Last year, more than 3 million people died from AIDS. The longer we wait to find a cure, the longer we wait to fulfill the pledge to the global HIV/AIDS trust fund, the longer we wait, the greater the tragedy.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

This amendment would make good on the Government's pledge to the world and the effort to combat the global HIV/AIDS epidemic. The President promised $15 billion in the next 5 years. Congress has authorized $3 billion for the next fiscal year. But the authorization without appropriation is a will-o'-the-wisp. The President's budget only provides $1.9 billion. This amendment would increase funding for the global AIDS/HIV initiative by $1.1 billion to $3 billion. The amendment would be offset by a $1.1 billion across-the-board cut in the amounts appropriated for the Defense Department procurement as well as for research, development, test, and evaluation. We are spending more than $1 billion a day for defense in this bill. Surely we can afford to spend $1 billion more in a year to combat AIDS and HIV.

I reiterate that a few days ago—last week it was, I believe—President Bush visited five African countries. He again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, $15 billion program to attack the disease in the world's poorest countries. This is the President's chance. Why wait? He may not be around here for 5 years. Who knows, right? The President may not be in power for 5 years. He may not be around here 5 years. Why not help him to fulfill his commitment today? Three billion dollars in 1 year—$3 billion—to attack this disease.

On July 10, 2003, the Senate voted in a sense-of-the-Senate resolution 78 to 18 to provide full appropriations for the $15 billion AIDS initiative touted by our President, including $3 billion in fiscal year 2004. Now is the time, Senators, to step up to the plate and honor your commitment. Now is the time to help the President to honor his commitment.

I urge all of my colleagues to support this amendment and to vote no on the motion to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I renew my motion to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately at the conclusion of the next vote, the Senate proceed to executive session for consideration of Calendar No. 291, Allyson Duncan, to be a U.S. Circuit Judge for the Fourth Circuit; provided that there then be 10 minutes for debate equally divided between Senators DOLE and EDWARDS and, at the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination without further intervening action or debate; provided, further, that immediately following that vote, the Senate proceed to a vote on the confirmation of Calendar No. 294, Louise Flanagan, to be U.S. District Judge for the Eastern District of North Carolina; provided that following those votes, the President be immediately notified of the Senate's action and the Senate resume legislative session; provided, further, that the time for voting on each of the confirmations of these judges be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, will the Senator from Alaska modify his request to allow Senator SCHUMER to be recognized after the votes are completed to speak for up to 10 minutes? He has an amendment that has been worked out and he wants to speak, and that will finalize that.

Mr. STEVENS. Yes. I so modify my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1283.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 24, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—71

Akaka	DeWine	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Murkowski
Bayh	Edwards	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Biden	Enzi	Nickles
Bond	Fitzgerald	Reed
Breaux	Frist	Roberts
Brownback	Graham (SC)	Rockefeller
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Carper	Hatch	Smith
Chambliss	Hollings	Snowe
Cochran	Inhofe	Specter
Coleman	Inouye	Stevens
Collins	Johnson	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Levin	Warner
Daschle	Lincoln	

NAYS—24

Bingaman	Dodd	Mikulski
Boxer	Feingold	Murray
Byrd	Feinstein	Pryor
Cantwell	Harkin	Reid
Chafee	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Corzine	Lautenberg	Stabenow
Dayton	Leahy	Wyden

NOT VOTING—5

Graham (FL)	Kerry	Miller
Hutchison	Lieberman	

The motion to table was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Prior to that time commencing on the nominations, I ask unanimous consent, other than the managers' package which is being cleared on both sides, that the only other amendments to the Defense appropriations bill to be in order will be: Senator BYRD's amendment, with Senator BYRD speaking for 20 minutes and 10 minutes for me; Senator BIDEN's amendment, 10 minutes for Senator BIDEN and 5 minutes for me; and I ask further that following disposition of those amendments the bill be read for the third time and the Senate proceed to vote on final passage of the bill without further intervening action or debate.

Mr. DASCHLE. Reserving the right to object.

Mr. BIDEN. Reserving the right to object.

Mr. DASCHLE. I ask that the order be reversed; Senator BIDEN be recognized first and then Senator BYRD second.

Mr. BIDEN. Mr. President, in the interest of my colleagues, there will be an opportunity next week, and I will not propose my amendment.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Mr. STEVENS. That means other than the managers' package, the only amendment in order to this bill would

be Senator BYRD on a 30-minute timeframe, 20 minutes for Senator BYRD and 10 minutes for myself; that will follow the 10 minutes of debate on the circuit court judge and the vote on that confirmation.

I, again, renew my request for unanimous consent that following the disposition of those amendments and the circuit judge this bill be read for the third time and the Senate vote on final passage of the Defense appropriations bill with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. I ask unanimous consent that the scheduled rollcall vote previously ordered on the confirmation of Calendar No. 294 be vitiated and we now have a vote on the confirmation of the other nomination.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, the distinguished senior Senator from Alaska is referring to the district court judge; is that correct?

Mr. STEVENS. The district court judge, yes. There will be a vote scheduled on the confirmation of the circuit court judge, Allyson Duncan. I ask that we vitiate the rollcall on the district judge and have a rollcall vote on the circuit judge. There will be 10 minutes equally divided on the circuit judge.

Mr. LEAHY. Reserving the right to object, the district judge is strongly supported by both the Senators, Democrat and Republican Senators, of the nominee's State. After appropriate consultation, we have no objection to a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between Senator DOLE and Senator EDWARDS.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on this nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I am pleased tonight we are confirming two of President Bush's judicial nominees from my home State of North Carolina, Allyson Duncan to the Fourth Circuit Court of Appeals and Louise Flanagan to the Eastern District of North Carolina. Our free society is based on reasoned, dispassionate judgment of the men and women of our judicial branch of our Government who share a sense of honor and duty to our country and to our Constitution. Every indication is that these two talented and experienced individuals will provide just that.

Judges interpret and apply the laws that govern our Nation, including our fundamental rights and liberties protected in the Constitution. However, on the Fourth Circuit Court of Appeals, there is a North Carolina vacancy that is the longest on the entire Federal bench. It dates back nearly a decade to July 31, 1994. In fact, North Carolina has had no representation on the Fourth Circuit Court in nearly 4 years, though we are the largest State in the circuit. Two seats have stood empty on North Carolina's Eastern District Court for 2½ and 5½ years, respectively.

I am pleased the Senate has stepped up and fulfilled its duties for these to nominees, taking steps to fill these vacancies to address the disparity for North Carolina.

This vote is historic in more ways than one. Allyson Duncan is the first woman from North Carolina to serve on the Fourth Circuit Court of Appeals. She is also the first African-American woman to serve on the Fourth Circuit Court. Ms. Duncan's résumé is most impressive, marked with numerous positions of significant responsibility in both the public and private sectors. Currently, an attorney with the Raleigh law firm of Kilpatrick Stockton, Ms. Duncan is the president of the North Carolina Bar Association, and an active member of the North Carolina Association of Women Attorneys. Prior to that, she was a judge on the North Carolina Court of Appeals, and a professor of law at North Carolina Central University.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I rise to enthusiastically express my support for the nomination of Allyson Duncan for the Fourth Circuit Court of Appeals and Louise Wood Flanagan for the U.S. District Court for the Eastern District of North Carolina.

This is a historic day for my home state of North Carolina. Once confirmed, Allyson Duncan will be the first North Carolinian to join the Fourth Circuit Court of Appeals in 23 years. North Carolina is the only State in the Union with no judges on a Federal appellate court. And we have the longest-standing vacancy in the Federal appeals court system.

I was very proud to support Judge Duncan's nomination and it was my pleasure to introduce her during her confirmation hearing. She will restore the voice of North Carolina to this very important Federal Court and breaks a logjam that has damaged our state for too many years.

This historic development shows what can be done when the President truly respects the advice and consent role of the Senate. In this case, President Bush did more than just pay lip service to this important responsibility. He reached out to Senator DOLE and me before he made his decision—he consulted with us—he sought our advice. In making his decision, the President selected a nominee who represents the mainstream of our state.

I commend the President for consulting with us and for making an excellent nomination. If he takes this approach to future judicial nominations we have a real opportunity to find common ground in the search for excellence on the Federal bench. When we work together, we find outstanding nominees like Allyson Duncan who represents the best of North Carolina.

As impressive as her resume is, even more telling is her steller repudiation throughout the North Carolina legal community. I have heard from folks all over the State who can't say enough about Allyson Duncan. What people keep telling me is that this is a woman of extraordinary intellect and skill, who loves the law, strives for justice and never allows politics to interfere with her commitment to fairness and equality.

When the Senate confirms Allyson Duncan—which I hope will happen soon—her confirmation will mark a number of ''firsts.''

She will be the first North Carolinian to join the 4th Circuit in over 20 years; she will be the first African American woman to serve on that distinguished court. And most important, I hope she will be the first in a series of bipartisan, consensus judicial nominations from our State.

I yield the floor.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Allyson K. Duncan, who has been nominated to the U.S. Court of Appeals for the Fourth Circuit.

Ms. Duncan is truly an impressive woman and has the enthusiastic support of both North Carolina senators, along with a unanimous ''Well Qualified'' ABA rating.

She graduated first in her class at Hampton University, a historically black college. She then attended Duke University Law School and was appointed an Earl Warren Legal Scholar, a scholarship awarded to black law students demonstrating leadership and an interest in the public interest.

Upon graduation, our nominee clerked for the Honorable Julia Cooper Mack on the District of Columbia Court of Appeals, before beginning her

tenure at the Equal Employment Opportunity Commission in 1978. Ms. Duncan held several positions at the EEOC, starting as an appellate attorney, serving as the assistant to the Chairman, and ultimately becoming acting legal counsel.

Ms. Duncan left the EEOC for a teaching post at North Carolina Central University School of Law, another historically black college, where she taught property, employment discrimination, labor law, and appellate advocacy.

Our outstanding nominee is also a pioneer. After leaving her teaching post in 1990, she became the first black woman to be appointed to the North Carolina Court of Appeals as an associate judge. She served in that capacity for one year, after which she hit another milestone.

Ms. Duncan was then appointed commissioner of the North Carolina Utilities Commission—another first for a black woman. As commissioner, she was responsible for telecommunications, natural gas and water regulations. She served as commissioner until she entered private practice with the law firm of Kilpatrick Stockton, where she is currently a partner. Her area of concentration is energy-related issues, but she also handles regulatory matters involving rate making, and mergers and acquisitions.

I am proud to add that if confirmed, Ms. Duncan will hit a third milestone: that of being the first black woman to sit on the Fourth Circuit Court Appeals. A circuit, I would like to note, that has a 24 percent black population—the highest black population for all of the circuit courts.

Allyson Duncan has a fine background, which will serve her well as a circuit court judge. She will be a terrific addition to the Court, and I urge my colleagues to join me in supporting her nomination.

Mr. LEAHY. Mr. President, today the Senate will confirm the first new judge to the Fourth Circuit from North Carolina in 23 years as well as a nominee to the District Court for the Eastern District of North Carolina. I want to thank Senator EDWARDS for his efforts to resolve the impasse that has stalled so many nominees from North Carolina. Part of his reward will be the service that Judge Allyson Duncan will soon be providing to the people of North Carolina as a member of the United States Court of Appeals for the Fourth Circuit. When Senator EDWARDS obtained a hearing for Judge Duncan last month, her nomination had already progressed further than the Republican majority had allowed the nominations of Judge James Beaty, Judge James Wynn, and Judge Rich Leonard to proceed when they were nominated to the Fourth Circuit by President Clinton from 1995 through 2001. This confirmation means that North Carolina once again is represented on the Fourth Circuit.

In addition, Judge Duncan will be the first African-American woman to serve on the Fourth Circuit, a circuit that did not have an African-American judge until President Clinton appointed Roger Gregory 2½ years ago.

A good way to see how much faster we are proceeding on judicial nominations for a Republican President is to compare where we are in July of this year to July of any year during the last Democratic administration when the Republicans controlled the Senate. Over the last 6½ years of Republican control under President Clinton, the Republicans allowed only 19 judicial confirmations, on average, by July 16, and included only 4 circuit court nominees, on average, by this time. We have now doubled the number of judicial confirmations and more than doubled the number of circuit court confirmations.

On this day, in 1995, only 27 judicial nominations had been confirmed; in 1996, only 10; in 1997, only 6; in 1998 the confirmations totaled 33; in 1999, only 9; and in 2000 the confirmation total by this point of the year was 29. Today, we confirm the 37th and 38th judges so far this year. We have already confirmed more judges in only the seventh month of this year than the Republican majority was willing to confirm in all of 1999, in all of 1997, and more than twice as many as the Republican majority was willing to consider during the entire 1996 session. Vacancies in the courts stand at less than half of what they were during the Clinton years and we have more Federal judges serving than ever before.

Today, we confirm the 10th judge to the Courts of Appeals. This is more than were confirmed in all of 4 of the past 6 years when the Republicans were in the majority—in 1996, 1997, 1999, and 2000. And in the 2 other years, the Tenth Circuit nominee was not confirmed until much later in the year.

As I have noted throughout the last 3 years, the Senate is able to move expeditiously when we have consensus nominees. I am delighted that these North Carolina nominees have the support of Senator EDWARDS and Senator DOLE and that we have been able to move forward so expeditiously to confirm them. Unfortunately, far too many of this President's nominees have records that raise serious concerns about whether they will be fair judges to all parties on all issues.

The PRESIDING OFFICER. All time has been yielded. The question is, Will the Senate advise and consent to the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 289 Ex.]

YEAS—93

Akaka	DeWine	Lincoln
Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Edwards	Murkowski
Biden	Ensign	Murray
Bingaman	Enzi	Nelson (FL)
Bond	Feingold	Nelson (NE)
Boxer	Feinstein	Nickles
Brownback	Fitzgerald	Pryor
Bunning	Frist	Reed
Burns	Graham (SC)	Reid
Byrd	Grassley	Roberts
Campbell	Gregg	Rockefeller
Cantwell	Hagel	Santorum
Carper	Harkin	Sarbanes
Chafee	Hatch	Schumer
Chambliss	Hollings	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Wyden

NOT VOTING—7

Breaux	Kerry	Warner
Graham (FL)	Lieberman	
Hutchison	Miller	

The nomination was confirmed.

NOMINATION OF LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will now consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

NOMINATION OF LOUISE W. FLANAGAN

Mrs. DOLE. Mr. President, Louise Flanagan is the first woman to serve as a district court judge for North Carolina's Eastern District. Serving as a magistrate judge for the Eastern District since 1995, Louise Flanagan is consistently praised by her colleagues on the Eastern District Court for her integrity and her fairness in the courtroom. Whether in previous positions with the law firms of Ward and Smith in Greenville, NC, or Sonnenschein Nath and Rosenthal in Washington, DC, or at the Center for National Security Law, Ms. Flanagan's accomplishments are numerous on behalf of the

public and the institutions she has served. I am certain she will bring judicial temperance, integrity, and character to the Federal bench.

For these individuals and for so many other qualified men and women, being nominated to serve on the Federal bench by the President of the United States marks the pinnacle of a long and remarkable legal career. For those who are confirmed, it represents an opportunity to use their wisdom and legal training to uphold our Constitution and protect the rights and freedoms upon which our Nation was founded.

As I campaigned for the Senate, I told the people of North Carolina that I believe each and every judicial nominee deserves a hearing and a vote by the full Senate. I believe in the capability, independence, and prudence of the Members of this institution. If a person has concerns about an issue or a nominee, then I believe he or she should make a persuasive case to the other members of this body in a forthright, open, and honest debate. This process is established in our Constitution, and it is what our representative democracy is all about.

We are here today because the process is working for these two North Carolina nominees. I am confident that both of these highly qualified women will meet their duties with professionalism, impartiality, and competence, and I hope that other well-qualified candidates who have been sent forth, such as Judge Terrence Boyle, might soon join them.

I yield the floor.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Judge Louise Wood Flanagan to be a U.S. District Court Judge for the Eastern District of North Carolina. Judge Flanagan currently serves as a Federal magistrate judge.

After earning her law degree from the University of Virginia School of Law in 1988, she served as law clerk for Judge Malcolm Howard on the very court to which she has been nominated. In 1990, she joined the North Carolina law firm of Ward and Smith, where she handled complex commercial litigation and litigated approximately 300 cases in state, federal, and bankruptcy court. Throughout her career, Judge Flanagan, has consistently demonstrated the strong legal intellect, integrity, and judicial temperament required of a U.S. District Court Judge.

In 1995, Judge Flanagan was appointed to be a Magistrate Judge for the U.S. District Court for the Eastern District of North Carolina. In this position she handles both criminal and civil matters and has earned a reputation of fairness, honesty, and keen intellect. She will make an excellent addition to the Federal bench.

I commend President Bush for nominating her and urge my colleagues to join me in supporting this nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina?

The nomination was confirmed.

Mr. STEVENS. I move to reconsider the votes and to lay those motions on the table.

The motions to lay on the table were agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Mr. SCHUMER, will be recognized for up to 10 minutes.

The Senator from New York.

AMENDMENT NO. 1315

Mr. SCHUMER. Mr. President, I believe the amendment is already part of the managers' package, so it does not have to be read.

In the interest of time, Mr. President, of the 10 minutes allotted to me, I will yield back 4, take 3 for myself, and yield 3 to the senior Senator from Washington.

Mr. President, I ask unanimous consent that Senator MURRAY be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, this amendment is very simple. We have all heard the reports, which bother us, tear at our hearts, that our soldiers are going to have to stay a longer period of time because of the fighting, the chaos, the problems in Iraq.

One of the quickest ways to get them home is that we set up an indigenous police force. After all, our Army, the greatest Army in the world, that has done such a great job in Iraq, has not really been trained to be a police force to stop looting and to create civil order, et cetera.

We are in the process of training Iraqis to take over this job, and I am sure most Americans wish it could be done as quickly as possible. This amendment is a reminder of that and an importuning of the administration to do just that, by requiring that every 180 days there be a report from the administration to Congress and the American people that talks about the progress of setting up such a police force, the cost of such a police force, and how it might affect the timetable and speed up the timetable, more particularly, of our soldiers coming home.

We know we have to restore rule of law in Iraq. We know it should best be done by an indigenous Iraqi police force. This amendment simply says, let's get that done quickly, and let the administration report to us on how that progress is going. It is important to the soldiers. It is important to law and order in Iraq, and it is important to the American people.

Nothing would make us all happier than to bring so many of our brave soldiers home, and home quickly. This amendment is both a reminder and an importuning addressed to that fact.

With that, I yield back the rest of my 3 minutes, and yield the remaining time to the Senator from Washington, the cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, I come to the floor to support the Schumer amendment to the Defense bill regarding the development of an Iraqi police force. This is an urgent amendment—one of the most important Iraq-related amendments we have considered on the defense bill.

The Schumer amendment will focus the administration's attention on the domestic security issue in Iraq that threatens American servicemen and women, other Americans and foreigners now in Iraq, and the Iraqi people.

One of the reasons we went to war in Iraq was to liberate the Iraqi people. The military campaign was named, ''Operation Iraqi Freedom.'' Again and again, from the President on down, we have been told that we acted on behalf of the Iraqi people.

We all witnessed the scenes of jubilation at the fall of Saddam Hussein's regime. Time and again, the administration has told us that we have restored freedom to the Iraqi people.

We all hope this is ultimately true. But the truth today is very different for women in Iraq and particularly in Baghdad.

Yeserday, Human Rights Watch released a report detailing reports of rape, assault, and kidnapping of women and girls in Baghdad. The report cites 25 credible allegations of rape and abduction since the fall of Saddam Hussein. It is believed that the number of rapes and sexual assaults in Baghdad is far higher. Women are discouraged from reporting the crime and face social isolation and even ''honor killings'' by other family members for being violently victimized.

Yesterday's New York Times contains a disturbing article about the dangers confronting women in Baghdad. I ask unanimous consent to have the article, ''Rape (And the Silence About It) Haunts Baghdad,'' printed in the RECORD.

[From the New York Times, July 16, 2003]

RAPE (AND SILENCE ABOUT IT) HAUNTS BAGHDAD

(By Neela Banerjee)

BAGHDAD, IRAQ, July 15.—In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living

room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.

But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, ''Let me go!'' ''I am afraid of the gangsters,'' Sanariya whispered in the twilight of her hallway. ''I feel like they are killing me in my nightmares. Every day, I have these nightmares.''

Since the end of the war and outbreak of anarchy on the capital's streets, women here have grown increasingly afraid of being abducted and raped. Rumors swirl, especially in a country where rape is so rarely reported.

The breakdown of the Iraqi government after the war makes any crime hard to quantify. But the incidence of rape and abduction in particular seems to have increased, according to discussions with physicians, law-enforcement officials and families involved. A new report by Human Rights Watch based on more than 70 interviews with law-enforcement officials, victims and their families, medical personnel and members of the coalition authority found 25 credible reports of abduction and sexual violence since the war. Baghdadis believe there are far more, and fear is limiting women's role in the capital's economic, social and political life just as Iraq tires to rise from the ashes, the report notes.

For most Iraqi victims of abduction and rape, getting medical and police assistance is a humiliating process. Deeply traditional notions of honor foster a sense of shame so strong that many families offer no consolation or support for victims, only blame. Sanariya's four brothers and parents beat her daily, Fatin said, picking up a bamboo slat her father uses. The city morgue gets corpses of women who were murdered by their relatives in so-called honor killings after they returned from an abduction—even, in some cases, when they had not been raped, said Nidal Hussein, a morgue nurse.

''For a woman's family, all this is worse than death,'' said Dr. Khulud Younis, a gynecologist at the Alwiyah Women's Hospital. ''They will face shame. If a woman has a sister, her future will be gone. These women don't deserve to be treated like this.''

It is not uncommon in Baghdad to see lines of cars outside girls' schools. So fearful are parents that their daughters will be taken away that they refuse to simply drop them off; they or a relative will stay outside all day to make sure nothing happens.

''Women and girls today in Baghdad are scared, and many are not going to schools or jobs or looking for work,'' said Hanny Megally, executive director of the Middle east and North Africa division of Human Rights Watch. ''If Iraqi women are to participate in postwar society, their physical security needs to be an urgent priority.''

Beyda Jafar Sadiq, 17, made the simple decision to go to school on the morning of May 22 and never returned. Her family has been looking for her ever since. They have appealed to every international nongovernmental organization, the Iraqi police and the American authorities. Her eldest brother, Feras, 29, has crisscrossed the country, visiting the morgue in Basra in the south, traveling to Amara and Nasiriya on reports from acquaintances that they saw a girl who looked like Beyda. ''I just want to find her,'' said Beyda's mother, Zakiya Abd, her eyes swollen with grief. ''Whether she's alive or dead, I jut want to find her.

Some police in Baghdad concede that at this point, there is little they can do to help. Their precinct houses were thoroughly looted after the war. Despite promises from the American authorities, Baghdad police still lack uniforms weapons, communications and computer equipment and patrol cars. ''We used to patrol all the time before the war,'' said a senior officer at the Aadimiya precinct house. ''Now, nothing, and the criminals realize their is no security on the streets.''

The Human Rights Watch report alleges that sometimes when women try to report a rape or families ask for help in finding abducted women, they are turned away by Iraqi police officers indifferent to the crimes. Some law-enforcement officials insist abduction and rape have not increased, while other officials and many medical personnel disagree. Bernard R. Kerik, a former New York City police commissioner and now an adviser to the Interior Ministry, told of recently firing a precinct chief when he learned that the official had failed to pursue a family's report of their missing 16-year-old daughter. ''The biggest part of the issue is a culture that precludes people from reporting,'' Mr. Kerik said. ''It encourages people not to report.''

If an Iraqi woman wants to report a rape, she has to travel a bureaucratic odyssey. She first has to go to the police for documents that permit her to get a forensic test. That test is performed only at he city morgue. The police take a picture of the victim and stamp it and then stamp her arm. That is so no one else goes in her place and says that she was raped, that she lost her virginity,'' said Ms. Hussein, the nurse. At the morgue, a committee of three male doctors performs a gynecological examination on the victim to determine if there was sexual abuse. The doctors are available only from 8:30 a.m. to 1:30 p.m. If a victim arrives at any other time, she has to return the next day, without washing away any physical evidence. Hospitals can check victims only for broader trauma, like contusions and broken bones.

Dr. Younis said she had seen more rape cases in the months after the war than before. Yet even when women come to the hospital with injuries that are consistent with rape, they often insist something else happened. A 60-year-old woman asserted that she had been hit by a car. The mother of a 6-year-old girl begged the doctor to write a report saying that her daughter's hymen had been ruptured because she fell on a sharp object, a common lie families tell in the case of rape, Dr. Younis said. Shame and fear compel the lies, Dr. Younis said. ''A woman's father or brother, they feel it is their duty to kill her'' if she has been raped, Dr. Younis said. ''It is the tribal law. They will get only six months in prison and then they are out.''

Sanariya's family took her to a doctor three days after her attack only because the bleeding had not stopped. She had been sitting on the stairs at about 4 p.m. on May 22 when an armed man dragged her into an abandoned building next door. He shot at neighbors who tried to help the girl. He fled when she began screaming during the assault.

Her mother refuses to let her outside now to play. Fatin lied to her family and said an operation had been done to restore Sanariya's hymen. But when her eldest brother, Ahmed, found out otherwise, he wanted to kill Sanariya, Fatin said.

Out of earshot of her family, Sanariya said she feels no better now, two months after the attack. ''I don't sleep at night,'' she said in the hallway. ''I don't sleep.''

Mrs. MURRAY. The article describes a 9-year-old girl who wakes up screaming, ''Let me go!'' This is a 9-year old girl whose life has been forever changed by unimaginable violence. She says in the article, ''I am afraid of the gangsters. I feel like they are killing me in my nightmares. Every day, I have these nightmares.''

The story of this young girl—one of too many stories—ought to be enough to focus the Congress and the administration on the urgency of the domestic security situation in Iraq.

Have we restored freedom to the Iraqi people when women and girls live in fear of abduction, rape, and murder?

Have we restored freedom to the Iraqi people when women are denied participation in a new Iraqi government and economy because their physical security is threatened every time they go out alone? Have we restored freedom to the Iraqi people when 9-year-old girls are victimized in the most horrifying way?

I want to share with the Senate a passage from the summary of the Human Rights Watch report titled, ''Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad.''

The summary reads:

> Many of the problems in addressing sexual violence and abduction against women and girls derive from the U.S.-led coalition forces and civilian administration's failure to provide public security in Baghdad. The public security vacuum in Baghdad has heightened the vulnerability of women and girls to sexual violence and abduction. The police force is considerably smaller and more poorly managed when compared to prior to the war. There is limited police street presence; fewer resources available to police to investigate; little if any record keeping; and many complaints are lost. Many hospitals and the forensic institute are unable to operate twenty-four hours a day as they did before the war, thus preventing women from obtaining medical treatment and the forensic examinations necessary to document sexual violence in a timely manner.

The summary concludes with the following,

> At the time of writing, plans for Iraq's reconstruction are taking shape and rights of women and girls are at stake. It is essential that all parties involved in these plans address the state's inadequate protection of the rights of women and girls. Those involved in the reconstruction process should ensure that any existing and new trends toward treating women and girls unequally before the law and discouraging women and girls from reporting sexual violence, or punishing women and girls for being the victims of sexual violence are countered.

We all know that our troops are faced with dangerous resistance throughout Iraq. Just yesterday, our military leaders acknowledged that we were facing a guerrilla warfare campaign of resistance. We know that our troops are serving honorably in a tremendously difficult environment. All of America is proud of our all volunteer force now serving in Iraq and the region.

Despite the efforts of U.S. personnel, we have not adequately addressed the domestic security crisis in Iraq. We cannot ignore that women and young girls are being victimized with terrible consequences. These crimes do not just affect individual women but the way women are viewed and the role they will play in a new Iraq.

We cannot be silent about the abuse and violence that has come to women

and girls in liberated Iraq. The Schumer amendment is our opportunity today to tell the administration that we will not tolerate silence on the treatment of women and girls in Iraq.

Mr. President, I commend the Senator from New York for bringing this issue to the Senate for the reasons he stated in order to allow us to know when our troops are going to be home. But, as I mentioned, I add another dimension to why it is so important to put a police force and have a trained police force in Iraq and on the ground there.

I would recommend to all of my colleagues that they take the time to pick up the New York Times from yesterday and read the article I referred to, which is a front page article: ''Rape (And Silence About It) Haunts Baghdad.'' I will read from the beginning of that article:

In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.

But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, ''Let me go!''

''I am afraid of the gangsters,'' [she says].

Every one of our colleagues should read the Human Rights Watch report that has just been released titled ''Climate of Fear, Sexual Violence and Abduction of Women and Girls in Baghdad.'' That report says that many of the problems in addressing sexual violence and abduction that are increasing in Iraq against women and girls derived from the United States-led coalition force's and civilian administration's failure to provide public security in Baghdad.

We went to war in Iraq. We have heard everyone say it was to restore freedom. Let's make sure the young girls in Iraq have that security and that freedom as well. They do not have it today. The amendment by the Senator from New York puts us on track. We need to follow this in Iraq. I commend the Senator for the amendment and I thank the manager of the bill for accepting it.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 1285 THROUGH 1298, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk a series of amendments. The first is an amendment in the amount of $2 million from available funds for the Software Engineering Institute. The second is $10 million from O&M funds for civil-military programs and the innovative readiness training program. The third is $10 million for the missile procurement program set-aside for assured access to space. The next one is an amendment regarding a study of the mail delivery in the Middle East. The next amendment is to conform the appropriation provision relating to the use of RDT&E funds Defense-wide. The next amendment is to make available from amounts available for research, development, test, and evaluation $4 million for the Center for Adaptive Optics. The next is to make available $1 million from amounts available for RDT&E for completion of the Rhode Island Disaster Initiative. The next is setting aside $8 million from amounts available for the death gratuity payments for the fiscal year 2004 on behalf of Senator WARNER. The next is to make available from amounts available for shipbuilding and conversion $20 million for the DDG–51 modernization planning program. The next is to provide for appropriations for the Army Museum of the Southwest. The next is to provide for the use of funds for privatization or transfer to another Federal agency of the prison guard functions for Fort Leavenworth, KS. The next provides for the purchase of Humvee tires. The next is to make available from amounts available $2.5 million for the Lewis and Clark Bicentennial Commemoration Activities. The next is to prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report.

All of these amendments have been cleared on both sides and have been referred to my good friend from Arizona for his review.

I send them to the desk and ask unanimous consent that they be presented en bloc so they might be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1285 through 1298 en bloc.

Mr. STEVENS. Mr. President, while the clerk is examining those, I have a new partnership in the Senate. My good friend from Nevada has joined the club of the admirers of the Incredible Hulk.

Mr. REID. I liked the applause. That was nice.

The PRESIDING OFFICER. Is there further debate on the amendments, as offered?

If not, the question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1285

(Purpose: To make available from amounts available for Operation and Maintenance, Army Reserve, $2,000,000 for a Software Engineering Institute)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'', up to $2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

AMENDMENT NO. 1286

(Purpose: To provide up to $10,000,000 of Operation and Maintenance, Defense-Wide funds for civil-military programs and the Innovative Readiness Training (IRT) program)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) program.

AMENDMENT NO. 1287

(Purpose: To increase by $10,000,000 the amount of Missile Procurement, Air Force funds set aside for assured access to space)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

AMENDMENT NO. 1288

On page 120, insert the following on line 18:

''SEC._STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST.

(a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stations in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, comparted to such services which occurred during Operation Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—No later than 60 days after date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on the General Accounting Office's findings and recommendations.

AMENDMENT NO. 1289

(Purpose: To conform the appropriation provision relating to use of RDT&E, Defense-Wide funds for an initial set of missile defense capabilities to the corresponding authorization provision)

Strike section 8114, and insert the following:

SEC. 8114. Funds available to the Department of Defense under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

AMENDMENT NO. 1290

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Air Force, $4,000,000 for the Center for Adaptive Optics)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $4,000,000 may be available for adaptive optics research.

AMENDMENT NO. 1291

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, $1,000,000 for the completion of the Rhode Island Disaster Initiative)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

AMENDMENT NO. 1292

(Purpose: To make available from amounts available for military personnel, $8,000,000 for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces from $6,000 to $12,000)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title I of this Act for military personnel, up to $8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from $6,000 to $12,000.

AMENDMENT NO. 1293

(Purpose: To make available from amounts available for Shipbuilding and Conversion, Navy, $20,000,000 for DDG–51 modernization planning)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''SHIPBUILDING AND CONVERSION, NAVY'', up to $20,000,000 may be available for DDG–51 modernization planning.

AMENDMENT NO. 1294

(Purpose: To provide appropriations for the Army Museum of the Southwest)

At the appropriate place, insert:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by Title II under the heading ''Operation and Maintenance, Army'', up to $4,000,000 may be used for the Army Museum of the Southwest at Ft. Sill, Oklahoma.

AMENDMENT NO. 1295

(Purpose: To limit the use of funds for the privatization or transfer to another Federal agency of the prison guard functions at the United States Disciplinary Barracks at Fort Leavenworth, Kansas)

Insert after section 8123 the following:

SEC. 8124. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

AMENDMENT NO. 1296

(Purpose: To provide funds for the purchase of HMMWV tires)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II, under the heading ''Operation and Maintenance, Marine Corps'', up to $6,000,000 may be used for the purchase of HMMWV tires.

AMENDMENT NO. 1297

(Purpose: To make available from amounts available for National Guard Personnel, Army, $2,500,000 for Lewis and Clark Bicentennial Commemoration Activities, and to make available from amounts available for Operation and Maintenance, Army National Guard, $1,500,000 for such activities)

Insert after section 8123 the following:

SEC. 8124. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading ''NATIONAL GUARD PERSONNEL, ARMY'', up to $2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

AMENDMENT NO. 1298

(Purpose: To prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report on the requirements of the Navy and Marine Corps for tactical aviation)

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1280 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending Kennedy amendment No. 1280 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1299

Mr. STEVENS. Mr. President, I have another portion of the managers' package. The amendment I send to the desk has been agreed to on both sides. I ask for its immediate consideration and adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KENNEDY, for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 1299.

Mr. STEVENS. 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:

AMENDMENT NO. 1299

(Purpose: To limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through '': *Provided further*, That the'' on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) $10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A–76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor this amendment to make sure that competitions between civilian Defense Department employees and private companies are fair. The Department of Defense has stacked the deck against Federal employees. The administration is seeking to privatize much of the Federal workforce—to replace dedicated Federal workers with cronyism and patronage.

The Kennedy amendment does not stop privatization. Yet it ensures that competitions between civilian Defense Department employees and private companies are fair. It puts Federal employees on an equal footing with private contractors. It says that you cannot win competitions for Federal jobs by denying health care benefits to your employees. It makes sure privatization does not come at the expense of health benefits for employees. Government contracts should not be won by denying health benefits to hard-working Americans.

The Office of Management and Budget has issued a directive calling for bounty hunters in Federal agencies to privatize 850,000 jobs over the next 3 years. That is nearly half of the Federal workforce. To speed up the process, the Bush administration changed the rules for public/private competitions. The new rules stacked the deck against employees, and made it harder for them to compete for their own jobs. It created streamlined competitions that are not even based on cost savings. The employees cannot even submit their own lowest bid. These new rules are unfair and inefficient. They will likely end up costing more to American taxpayers.

I stand up for an independent Federal workforce. We should not replace good Government jobs with bad private sector jobs. A company should not be able to win a bid because it saves money by denying health care benefits for their employees. Privatization should not come on the backs of the employees. Our economy is in trouble. Health care costs are rising—and millions of Americans lack any health insurance. Why does this administration want to make this problem even worse?

Our democracy depends on a strong civil service. We need a civil service in this country that is independent, reliable, and free of cronyism and political patronage. We are trying to spread democracy to Iraq and to nurture new democracies around the world. Yet right here at home, there are some who want to get rid of a pillar of democracy—our independent Federal workforce.

As a Senator from Maryland, I am so proud to serve over 100,000 Federal employees. I wish you could meet them the way I do—on the job and at the supermarket. I represent people who are Nobel Prize winners at the National Institutes of Health and the National Institute of Standards and Technology. I represent FBI agents. I represent the National Security Agency, and the faculty of the U.S. Naval Academy.

I know what Federal employees do. They work hard every day. They did not get their jobs because they volunteered on someone's campaign. The civilian employees at the Defense Department work hard to support our troops and to protect our Nation. They are committed to securing the homeland, and to making sure our soldiers are ready to protect us.

If we are going to contract out Defense Department work, we need to be very careful. It is a matter of national security. It is a matter of homeland security. America's military bases and facilities are all potential terrorist targets. Those who work there must be trusted and carefully screened. Yet the Department of Defense wants to get rid of trusted employees who have served our Nation for years—and replace with who knows what. What would happen if the private company changed ownership, or is bought by a foreign company? What safeguards are there to protect our military and our military infrastructure?

That is why I am cosponsoring the Kennedy amendment. This amendment simply calls for civilian Defense Department employees to be treated fairly when they are competing for their own jobs. Federal employees' jobs are on the line. The independence of our Federal workforce is on the line. At the very least, the competition should be fair. I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, it was necessary to handle it separately because it was already a pending amendment, and it had to be withdrawn.

I now ask for its consideration and adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1299) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, just briefly let me say this: I know my tie isn't much, but I have been advised by staff and others it is sure better than seersucker.

AMENDMENT NO. 1300

Mr. STEVENS. Mr. President, I send a further amendment to the desk and state that this is separate and apart from the managers' package. It is an amendment I submit on behalf of Senator HATCH. It has not been cleared by my friend from Arizona. When the title is read, it will be apparent to the Members why.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 1300:

AMENDMENT NO. 1300

(Purpose: To appropriate funds to settle certain claims of United States prisoners of war who performed forced or slave labor for Japanese companies during World War II)

After section 8123, insert the following:

TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II

SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.

(a) PAYMENT OF COMPENSATION REQUIRED.—Subject to the availability of appropriated the funds Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) COMPENSATION.—The compensation to be paid under subsection (a) is as follows:

(1) In the case of a living former prisoner of war, to the living former prisoner of war in the amount of $10,000.

(c) IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) TREATMENT AS FORMER PRISONER OF WAR.—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) TIMING OF PAYMENT.—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) PRIORITY IN PAYMENTS.—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(j) FUNDING.—(1) From funds available otherwise in this Act up to $49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of

September 30, 2005, shall revert to the Treasury as of that date.

SEC. 903. DEFINITIONS.

In this title:

(1) FORMER PRISONER OF WAR.—The term ''former prisoner of war'' means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) JAPANESE COMPANY.—The term ''Japanese company'' means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(5) WORLD WAR II.—The term ''World War II'' means the period beginning on December 7, 1941, and ending on August 8, 1945.

Mr. HATCH. Mr. President, the amendment I offer today, entitled the Resolution of Claims of American POWs of the Japanese Act of 2003, is important because it recognizes the struggle to compensate American POWs once held and forced into slave labor for private Japanese companies during World War II.

For those of my colleagues who aren't aware of what our valiant soldiers endured, please let me enlighten you.

On April 9, 1942, Allied forces in the Philippines were forced to surrender Bataan to the Japanese. Ten thousand to 12,000 American soldiers were forced to march some 60 miles in broiling heat. We have all heard of this deadly trek, known as the Bataan Death March.

What most people do not realize is, after a lengthy internment under horrific conditions, thousands of these POWs were shipped to Japan in the holds of freighters known as ''Hell Ships.'' Once in Japan, many of these POWs were forced into slave labor for private Japanese steel mills and other private companies until the end of the war. During the war, over 27,465 Americans were captured and interned by the Japanese; tragically, only 16,000 made it home.

Let me tell you about some of these brave men.

At our Judiciary Committee hearing a few years ago, we heard from some of these remarkable veterans who put a human face on this tragic part of history. They are all heroes.

I remember so well Mr. Bigelow, who, during his internment lost his leg from a mining accident and the lack of proper medical treatment. At a height of 6 feet, 4 inches, Mr. Bigelow weighed less than 100 pounds at the time of his release. Tragically, he died last week—without ever receiving the recognition that he deserved, recognition that we as a body can give him.

Mr. President, how many more have to die before we finally pay them the tribute they deserve?

At our hearing, we heard how the POWs stuck together and helped each other make it through each day and endured frequent beatings for doing so.

We heard how Mr. Tenney and others kept their spirits up by entertaining their buddies and trading with Japanese guards for a few meager supplies.

We heard how brave men like Terrence Kirk built a makeshift camera out of a stolen x-ray plate to document the condition of dying POWs so they would not be forgotten.

Let me say to the veterans who have shared their stories with me—and I know some of these men personally thank you. All of them are heroes for their bravery on the battlefields and in the prison camps.

They are heroes for the innumerable displays of compassion and love for their fellow man.

They are heroes for their perseverance through circumstances most of us can barely imagine.

They are living testaments to the indomitable human spirit that is the fabric of this great nation, the United States of America. Everyone here living in freedom owes them a tremendous debt of gratitude.

Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice and they were once again asked to sacrifice for their country.

Following the end of the war, for example, our government allegedly instructed many of the POWs not to discuss their experiences and treatment. Some were even asked to sign non-disclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POWs endured.

Just ask the school children of today. Most know little about the Bataan Death March and nothing about the fact that our soldiers were shipped to Japan and sold as slave labor.

That is inexcusable. We must recognize their sacrifice, and the amendment I offer today supports that effort.

Through the years, various efforts have been made to offer some compensation for the POWs held in Japan.

Under the War Claims Act, our government has made meager payments of a dollar a day for missed meals and $1.50 per day for lost wages. Clearly this is inadequate.

Following the passage of a California statute extending the statute of limitations for World War II claims until 2010 and the recent litigation involving victims of Holocaust, the former POWs in Japan have attempted through the courts to seek compensation from the private companies which profited from their labor.

What role has our government played in this quest?

In the Holocaust litigation, the U.S. played a facilitating role in discussions between the German companies and the victims. The Justice Department also declined to file a statement of interest in the litigation—even when requested by the court. The efforts of the administration were entirely appropriate and the settlement was an invaluable step toward moving forward from the past.

Here, in contrast, there has been little effort by our government, through the State Department or otherwise, to help these POWs with their claims. In fact, quite the opposite has been true.

In response to a request from the court, the Justice Department actually filed a statement of interest which was very damaging to the claims of the POWs—stating in essence that their claims were barred by the 1951 Treaty of Peace with Japan and the War Claims Act. Personally, I don't think the government had the authority to waive these claims. Unbelievably, the Justice Department continues to argue in these court cases on behalf of the Japanese companies and against our POWs.

This contrasting treatment raises the legitimate questions of whether this administration has a consistent policy governing whether and how to weigh in during these World War II-era cases? From a moral perspective, the claims of those forced into labor by private German companies and private Japanese companies appear to be of similar merit, yet they have spurred different responses from the administration.

Why?

I have asked this question to the State Department, and have not received a satisfactory response.

What can the United States of America—the country these men sacrificed for—do to resolve this matter in a fair and appropriate manner?

With the help of Senator FEINSTEIN, in 2000, we moved through the Judiciary Committee S. 1902, the Japanese Records Disclosure Act. This bill set up a commission to declassify thousands of Japanese Imperial Army records held by the U.S. government after appropriate screening for sensitive information such as that pertaining to national security.

That bill, however, was not enough. We need to do more.

The Senate attempted to fulfill our government's responsibility to these men by including a provision in S. 2549, the fiscal year 2001 Department of Defense authorization bill. This legislation would have allowed payments of a $20,000 gratuity to POWs from Bataan and Corregidor who were forced into labor. But unfortunately, the provision was stripped in conference, due in large part, I believe, to pressure from the previous Administration.

We also passed S. Con. Res. 158, a resolution at the end of the 106th Congress

which stated the moral force of the claims of the POWs and expressed the sense of the Congress that the United States government should use its best efforts to ''facilitate a dialogue'' to discuss a resolution to the claims. But this has received a less than satisfactory response from the administration.

We must ask ourselves—can Congress do more?

Can the executive branch do more?

I think so.

We must.

And it is for that reason that I am offering the Resolution of Claims of American POWs of the Japanese Act of 2003.

This legislation would show these POWs that we have not forgotten them and that we will not let them be victimized by the Japanese companies a second time.

My amendment would authorize the payment of compensation to former prisoners of war for forced labor for Japanese companies during World War II. Those surviving POWs who are still living—and there are not many—would receive $10,000. This is a mere fraction of what they truly deserve, and I intend to seek additional amounts next year to fulfill our obligation to our heroes.

Mr. President, this legislation is essential.

Congress is the last recourse for these POWs.

Instead of helping, our government has let them down. And so, if we do not stand up for them, who will?

I urge my colleagues to join with me in this effort to do what we can to show these brave POWs that their country has not forgotten them; it is the least we can do.

Mr. MCCAIN. Mr. President, in relation to the amendment offered by the Senator from Utah, Mr. HATCH, related to compensation for American prisoners of war in Japan, I do not object but must of necessity vote ''present'' because, as a former prisoner of war in Vietnam, I cannot in good conscience vote in favor of a measure that sets a precedent for compensation of American prisoners of war that could in some fashion be viewed as benefiting me personally.

Mr. STEVENS. Mr. President, this is a prisoner of war provision offered by Senator HATCH. We have agreed to start the process of dealing with claims of these individuals. Since our good friend from Arizona was in fact a prisoner of war, he did not want to participate in the adoption or consideration of this amendment. We are honoring his request. I ask for the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1300) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I yield to my friend from Hawaii who has the Democratic portion of the managers' package.

AMENDMENTS NOS. 1301 THROUGH 1316, EN BLOC

Mr. INOUYE. Mr. President, I send to the desk 16 amendments as part of the managers' package and ask unanimous consent for their immediate consideration en bloc.

They are: Senator FEINSTEIN amendment on secure cell phones; Senator BOXER amendment on Shortstop, an Army program; Senator DURBIN amendment on the 932nd Airlift Command; Senator MIKULSKI amendment on Project Ancile; Senator MIKULSKI amendment on knowledge management fusion; Senator SCHUMER amendment on Large Energy National Shock Tunnel; Senator DORGAN amendment on ultra-low-power battlefield sensor system; Senator BIDEN amendment on nuclear debris collection; Senator BAYH amendment on M1A1 tank transmissions; Senator INOUYE amendment on civil rights history in the Army; Senator HARKIN amendment on airplane parts; Senator WYDEN amendment on Iraq reconstruction contracts; Senator BOXER amendment on travel expenses; Senator BIDEN amendment on C–5s; Senator SCHUMER amendment on Iraq report; Senator BYRD amendment on travel credit card checks.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 1301 through 1316 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1301

(Purpose: To make available from amounts available for Procurement, Defense-Wide, $20,000,000 for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'', to $20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

AMENDMENT NO. 1302

(Purpose: To make available from amounts available for Research, Development, Test and Evaluation, Army, $5,000,000 for procurement of Shortstop Electronic Protection Systems for critical force protection)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development efforts.

AMENDMENT NO. 1303

(Purpose: To require a study of the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriated to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

AMENDMENT NO. 1304

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE'', up to $3,000,000 may be used for Project Ancile.

AMENDMENT NO. 1305

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $2,000,000 may be used for Knowledge Management Fusion.

AMENDMENT NO. 1306

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Army, $3,000,000 for the Large Energy National Shock Tunnel (LENS))

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

AMENDMENT NO. 1307

(Purpose: To provide funds for the Ultra-low Power Battlefield Sensor System)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional $7,000,000 may be used from the total amount appropriated by title IV ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', for Ultra-low Power Battlefield Sensor System.

AMENDMENT NO. 1308

(Purpose: To require a report on the feasibility of developing and deploying a nuclear debris collection and analysis capability to permit the characterization of detonated nuclear devices)

Insert after section 8123 the following:

SEC. 8124. (a) FINDINGS.—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to

terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

AMENDMENT NO. 1309

(Purpose: To make available amounts available for Operation and Maintenance, Army, up to $15,000,000 for upgrades of M1A1 Abrams tank transmissions)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'' up to $15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

AMENDMENT NO. 1310

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II of this Act under the heading ''Operations and Maintenance, Army'', up to $2,000,000 may be used to promote civil rights education and history in the Army.

AMENDMENT NO. 1311

(Purpose: To require reports on safety issues due to defective parts)

Insert after section 8123 the following:

SEC. 8124. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS.

(a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004 examine and report back to the congressional defense committees on:

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be made mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—The Comptroller General shall examine and report back to the congressional defense committees on:

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

AMENDMENT NO. 1312

(Purpose: To require a report on the reconstruction of Iraq)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

AMENDMENT NO. 1313

(Purpose: To provide travel reimbursement to the spouses and dependents of deployed military personnel when they visit family members)

At the end of section 8083, add the following:

''Not more than $1 million of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members.''

AMENDMENT NO. 1314

(Purpose: To make available from amounts available for Aircraft Procurement, Air Force, $19,700,000 for C–5 aircraft in-service modifications for the procurement of additional C–5 aircraft Avionics Modernization Program kits)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $19,700,000 may be available for C–5 aircraft in-service modifications for the procurement of additional C–5 aircraft Avionics Modernization Program (AMP) kits.,

AMENDMENT NO. 1315

(Purpose: To require a report on the establishment of police and military forces in Iraq)

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

AMENDMENT NO. 1316

(Purpose: To continue in effect a provision of the Department of Defense Appropriations Act, 2003, relating to evaluations of creditworthiness for issuance of Government charge cards)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

''(3) This submission shall remain in effect for fiscal year 2004.''.

AMENDMENT NO. 1311

Mr. HARKIN. Mr. President, two weeks ago, the company Hydroform USA, its subsidiary Temperform, and three company managers were indicted for conspiracy and making false statements. This is just the latest event in

a long horror story that may still threaten the safety of both military and civilian aviation. And it raises serious questions, yet again, about our ability and commitment to root out defense fraud that attacks our taxpayers and our troops.

The story is told at length in a special issue of Defense Week dated July 3 and written by John Donnelly. It starts with a company called West Coast Aluminum Heat-Treating Company, which had a plant in La Mirada, CA. Many aluminum parts on airplanes and rockets are heat-threaten to stengthen the parts, reduce corrosion, and prevent cracking and fatigue. West Coast was paid to do this by a large number of airplane manufacturers and suppliers. But beginning in 1981, they did the heat treatment for far less time and at lower temperatures than required. They didn't falsified testing of the parts. This fraud went on undetected, on hundreds of thousands of parts, for fifteen years. The parts ended up on a long list of military airplanes, helicopters, and rockets from Boeing, Lockheed Martin, Northrop Grumman, and other contractors, as well as on many commercial planes and helicopters from Boeing, Airbus, and other manufacturers. In 1996, a West Coast foreman finally blew the whistle to Boeing.

Boeing, observed by the Federal Aviation Administration, eventually tested 1,634 parts for hardness and electrical conductivity. They found that 18 percent of the parts were critical, and that 11 percent of the parts did not meet specifications because of the fraudulent heat treatment. Tests on hundreds of other parts had similar results. But these tests may not reveal the full extent of the problems. Other, more informative tests that destroy the parts are needed to assess heat treatment well. And even parts supposedly tested may not be good, although Boeing claimed that subcontractors had tested many parts, the FAA found that six of the subcontractors could not document such testing; the other three subcontractors they contacted did have test records showing the parts were good, but when the FAA tested the parts, they found the parts did not in fact meet specifications.

Even though the fraud was revealed in 1996 and Boeing disqualified West Coast as a vendor in 1997, it took another year before Boeing and the Government bothered to let other customers know that the parts could be defective. They finally issued alerts on the Government-Industry Data Exchange Program called GIDEP, in 1998. For those two years other defense contractors continued to use West Coast. In addition, the alert that Boeing finally issued focused on ''discrepancies'' in paperwork, and claimed that the parts were fine.

Government oversight was equally weak. Although the FAA concluded that Boeing had violated federal regulations because it did not adequately supervise its subcontractors, it said the statute of limitations had expired and hence it could not pursue enforcement action. Worse, the Defense Logistics Agency wrote reports suggesting that West Coast-treated parts were fine, based on a database of 253,736 parts. But they did not actually know which parts were from West Coast, and they knew that many of the parts in the database were not even made of aluminum.

In 1998, West Coast was sold, and in 2000 its two executives were convicted, sentenced, and fined. The plant was bought by Temperform, which proceeded to commit the same fraud on tens of thousands of additional parts. It has been said that history repeats itself, first as tragedy and then as farce. The Temperform replay of West Coast would be amusing if it weren't still tragic. Temperform fired the West Coast employees so that Boeing would approve the company as a vendor, then promptly rehired them. The same heat-treating fraud continued undetected, and another employee finally blew the whistle again in 2000. Despite the plant's history, Boeing did not audit Temperform until this time, and then allegedly found 37 deficiencies in their quality assurance processes.

To this date, neither Boeing nor anyone else has ever issued a GIDEP alert to let other companies know of the Temperform fraud. A Government safety alert, issued only in 2002, went only to Government agencies. Thus, Lockheed Martin continued to buy parts from Temperform for more than two years. Again, the Government accused Boeing of mismanagement but declined to do anything about it. The plant again was sold in 2002, and, as I mentioned, three company executives were recently indicted. One of those three, the manager in charge of heat-treating procedures, was one of the West Coast employees who were rehired.

That is all history. But I have not yet explained a key reason why this remains a continuing threat. Almost all of the testing of parts I mentioned was of commercial parts. The military services claim that they cannot identify which parts were treated by a particular company, even for safety critical parts. Typically major weapon system programs are now managed by private contractors, which then have a large number of subcontractors supplying parts. West Coast and Temperform contracted with many of those subcontractors. Apparently we cannot negotiate this maze to find which parts, even safety critical parts, were fraudulently treated. Thus, few military parts have been tested, and if they were found unsatisfactory, it is not clear how they would be replaced.

This is not the first time this problem has come up. Not long ago the Pentagon bought 780,000 chemical protective suits from a company called Isratex. We cannot find 250,000 of those suits either. And last year the Navy could not find 42,000 defective oxygen masks.

My amendment attempts at least to examine several of these systemic issues. It requests that the Secretary of Defense report back to Congress by March 31, 2004, on efforts to find and test the parts that have been improperly heat-treated, and on notification of other customers that their parts may be defective. The report also is to look at how to implement a system for tracking safety-critical parts, and at standards and procedures for notification on future safety issues.

The amendment also asks the General Accounting Office to submit a report on issues regarding the prime contractor system that may be partly at fault here. The GAO is to look at both the oversight of subcontractors by the prime contractor—which is what they are paid to do—and the oversight and enforcement of prime contractors by the Department of Defense.

Hunderds of thousands of aluminum parts that are in our airplanes and helicopters today have not been properly strengthened. Many of these parts are safety-critical. Millions of people, civilian and military, may be at risk if a plane crashes due to a failure of one of these parts. We are at risk not only because of the fraud, but also because of the failure all the way down the line—by small subcontractors, huge plane manufacturers, and the Government—to catch the fraud, stop it in a timely manner, notify others at risk, track or test the parts, or hold anyone accountable for the oversight failures.

We must do better. This amendment is a small step toward fixing the problems, and I intend to pursue this until I am confident such abuse cannot happen again.

AMENDMENT NO. 1316

Mr. BYRD. Mr. President, last year, Senator GRASSLEY and I had an amendment included in the Fiscal Year 2003 Defense Appropriations Act to crack down on the abuse of credit cards that are issued to Pentagon employees. Today, we offer an amendment to extend those provisions through fiscal year 2004.

The General Accounting Office has completed numerous studies on Government-issued charge cards. These reports have highlighted the Department of Defense as one of the worst abusers of those cards. Defense Department employees have been caught red-handed using their Government-issued credit card to pay for personal expenses such as luxury cruises, concert tickets, Internet gambling, and even adult entertainment. Incredibly, these abusive charges are being underwritten by the U.S. taxpayer, to the tune of untold millions each year.

Based on this evidence, the GAO has recommended that DOD employees should undergo credit checks before they are issued a Government charge card. That is exactly what the amendment offered last year by Senator GRASSLEY and me required.

The GAO recently reported to our staffs that despite progress in cracking down on some types of abuse, the Pentagon has not complied with last year's Byrd-Grassley amendment. That is why we offer an amendment to this Defense bill to extend last year's provision of the Defense Appropriations Act to apply in fiscal year 2004.

The Pentagon should be on notice that it has to straighten out its act with regard to charge card abuse, as well as a whole host of other accounting problems. Ignoring laws that require the Department of Defense to crack down on these problems is a serious mistake. Congress should send the message loud and clear that we expect them to comply with the Byrd-Grassley amendment on credit card abuse.

Mr. INOUYE. Mr. 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.

MUSCULAR DYSTROPHY RESEARCH/MUSCLE RESEARCH CONSORTIUM

Mr. COLEMAN. Mr. President, I rise today to speak in support of funding for the Muscular Dystrophy Research/Muscle Research Consortium to study muscular disease. Funding will allow the consortium to conduct critical research on muscular dystrophy through the Department of Defense Peer Reviewed Medical Research Program. I note that the committee has stated its support for this very worthwhile program, in the report to accompany the fiscal year 2004 DoD appropriations bill. I urge the committee when conferencing with the House to include full funding for this program.

Mr. STEVENS. The Senator is correct. The committee has noted its support of the program, and I assure my friend from Minnesota that the committee will give its full consideration to this program while conferencing with the House.

Mr. COLEMAN. I thank the chairman for his support, and I also not that the House has included funding for this program. I look forward to working with the chairman to protect this project during conference.

ROBOSCOUT PROGRAM

Mr. FEINGOLD: I would like to ask a question of the managers of the bill: It is my understanding that the bill zeros out funding for the Roboscout program, also called Combat Zones That See.

Mr. STEVENS: Yes, that is correct.

Mr. FEINGOLD: It is further my understanding that zeroing out funding for this program will prohibit any research and development on Roboscout?

Mr. STEVENS: That is correct. The Department of Defense should not be engaging in any work on the Roboscout program.

Mr. INOUYE: I concur with the Chairman. His statements express our intent for this program quite well.

WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT

Mr. FEINGOLD. Mr. President, I have long advocated the creation of 23 additional full-time National Guard Weapons of Mass Destruction Civil Support Teams and have supported the location of at least one team in each state and territory of the United States. I am pleased that last year the Congress passed—and the President signed into law—a defense authorization bill that required that these important teams be created.

I am also pleased that earlier this year the Senate passed a defense authorization bill that includes $88.4 million for 12 new teams in fiscal year 2004. I thank the Chairman and Ranking Member of the Armed Services Committee for their support on this issue, and for including language in the report accompanying the fiscal year 2004 DoD authorization bill urging the Pentagon to include funding for the remaining eleven teams in its fiscal year 2005 budget request.

I also want to thank the Chairman and the Ranking Member of the Defense Appropriations Subcommittee for their work on this issue. I wonder if the managers would engage with me in a brief colloquy on this subject.

Mr. STEVENS. I would.

Mr. INOUYE. Yes.

Mr. FEINGOLD. It is my understanding that the bill as amended by the Chairman includes the full $88.4 million authorized by the Armed Services Committee for 12 new Weapons of Mass Destruction Civil Support Teams. I ask the Chairman of the Committee and the Senator from Hawaii [Mr. INOUYE] if that is the case?

Mr. STEVENS. Yes.

Mr. INOUYE. Yes.

Mr. FEINGOLD. So it is your understanding that the funding included in the bill currently before the Senate includes sufficient funding to man, equip, and train 12 new civil support teams?

Mr. STEVENS. That is my understanding.

Mr. INOUYE. Yes.

Mr. FEINGOLD. I thank the managers.

ABRAMS SYSTEM ENHANCEMENT PROGRAM

Mr. VOINOVICH. Mr. President, as we consider appropriations for our men and women in uniform for the upcoming fiscal year, I would like to take this opportunity to express my strong support for the M1A2 System Enhancement Program.

As our experience in Iraq has demonstrated, the Abrams tank remains crucial to the efforts to the United States Armed Forces. The tanks of the 3rd Infantry Division were among the first on the ground in Iraq. However, the armed reconnaissance regiment of the CounterAttack Corps (CATK)—the 3rd Armored Cavalry Regiment (ACR)—is fighting with older, less capable M1A1 tanks.

The M1A2 System Enhancement Program retrofits existing tanks to incorporate the most sophisticated technologies, allowing them to best communicate with and protect the rest of the CounterAttack Corps. I believe it is critical to provide our soldiers in the 3rd Armed Cavalry Regiment—the eyes and ears of the CounterAttack Corps—with the most modern equipment available to them.

The State of Ohio, home to the Lima Army Tank Plant, plays a critical role in this modernization effort. The thousands of men and women who have worked at the Lima Army Tank Plant have played a long and distinguished role in the history of the mighty Abrams. This continued during Operation Iraqi Freedom, when the plant's employees responded to a call by the Defense Department and within the period of just one week designed, tested, produced and shipped to Iraq armored protection to bolster the armor around the exhaust.

I look forward to working with my colleagues in the Senate and the House of Representatives in conference to ensure that sufficient funds are maintained to upgrade the tanks of the 3rd Armored Cavalry Regiment, better serving our men and women in uniform and the U.S. military in their efforts to promote peace, security and democracy in Iraq and other parts of the world.

Mr. SHELBY. Mr. President, I want to associate myself with the statement of Senator VOINOVICH regarding the importance of the M1A2 System Enhancement Program. I strongly support providing the necessary funding to modernize the 3rd Armored Cavalry Regiment (ACR) tank fleet. I would ask Chairman STEVENS and Senator INOUYE to work with us to find a way to address this important issue in conference.

Mr. SPECTER. Mr. President, I rise today to join the junior Senator from Ohio and my colleague from Alabama, Senator SHELBY, to urge the Chairman of the Senate. Appropriations Committee to ensure that the Fiscal Year 2004 Department of Defense Appropriations bill we send to the President provides funding for at least one squadron of Abrams M1A2 SEP tanks for the U.S. Army's 3rd Armored Cavalry Regiment.

Like all Americans, I proudly watched on the nightly news as the U.S. Army's Abrams tanks again proved themselves an indispensable asset in the recent war in Iraq.

A critical element in the success in those battles—and any likely future conflict—is the U.S. Army's CounterAttack Corps. The armed reconnaissance regiment of the CATK is the 3rd Armored Cavalry Regiment, which needs the most up to date equipment to best protect our fighting men and women. The 3rd ACR must be upgraded to the Abrams M1A2 SEP to reflect new technologies.

The ground combat vehicle defense industrial base is critical to our national security as we transform our military services into more lethal, survivable and sustainable entities, particularly as we prepare for new programs such as Future Combat Systems.

I am proud that Scranton, Pennsylvania is a critical part of that industrial base. In Scranton, some two hundred highly dedicated, highly skilled workers—many of whom are members of UAW Local 1193—manufacture critical components of the M1A2 SEP, such as turret race rings, LRUs and suspensions.

I look forward to working with my colleagues in Conference to ensure that the fighting men and women of the 3rd ACR and the workers that together make up the backbone of our national security are protected well into the future by providing funding for at least one squadron of M1A2 SEP tanks in the Fiscal Year 2004 Department of Defense Appropriations Act.

Mr. DEWINE. Mr. President, I rise today to join my colleagues to highlight the absolutely critical need to fund the Abrams tank program and the M1A2 System Enhancement Program, specifically.

We have a moral obligation to our military forces to see that they are armed with the best equipment available when they put their lives on the line. The M1A2 System Enhancement Program is an important step in achieving this goal because it will help ensure the tank crews and the troops they protect get the highest, cutting edge technology possible. Like Senator VOINOVICH, I am extremely proud of the employees at the Lima Army Tank Plant, who themselves take such pride in the important work they do every day to make sure our tanks continue to be the best in the world.

Mr. STEVENS. I would like to thank my colleagues for their remarks regarding the M1A2 System Enhancement Program. I understand their concern with the need to provide resources to allow for the modernization of the 3rd Armored Cavalry Regiment tank fleet, and I look forward to working with them as we begin conference with the House to address this important matter.

NETRP PROGRAM

Mr. SESSIONS. As the Chairman and Ranking Member are aware, for the last 7 years, since 1997, the Department of Defense has sponsored a unique biomedical research effort called the Neurotoxin Exposure Treatment Research Program or NETRP. This program conducts medical research that has wide applications in protecting and treating our soldiers, as well as advancing medical research that can lead to a cure for Parkinson's disease, which afflicts more than one million Americans.

The program addresses the protection of American soldiers from a wide range of exposures including chemical warfare agents, potential toxins in military uniforms and jet fuel, and radiation from radar and communications systems. Findings from this military research then have broad application to those diagnosed with Parkinson's and other neurodegenerative disorders.

This year's House of Representatives DOD Appropriations bill includes an increase in NETRP funding from the 2003 level of $21.25 million to $31 million—a solid investment in protecting our soldiers that can have the added benefit of saving or vastly improving the lives of millions of Americans.

Will the Chairman consider accepting the House proposal in conference?

Mr. STEVENS. I can assure the Senator from Alabama that I will give consideration during conference to the House proposal to increase NETRP funding levels.

Mr. SESSIONS. I thank the Chairman.

Mr. DURBIN. I join my colleague from Alabama in thanking the Chairman for his assurance to give this provision all due consideration during conference, and urge our Ranking Member, the distinguished Senator from Hawaii, to likewise give consideration to this vital research to protect our soldiers, as well as benefit our citizens with neurodegenerative diseases.

Mr. INOUYE. I would be happy to join in that assurance.

EC–130J MODIFICATIONS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee regarding Special Operations Command's information warfare platform, the ED–130J, which is funded in the Defense Appropriations bill.

The 193rd Special Operations Wing (SOW), Pennsylvania Air National Guard, conducts information warfare missions such as psychological operations (PSYOP) civil affairs radio and television broadcasts, Command Control Communications Counter Measures (C3CM) and limited intelligence gathering. Because many of the missions carried out are often classified, the public at large usually does not know the extent to which this unit has shaped events prior to conflict. In many cases, their mission has made conflict unnecessary or has reduced the loss of life.

Last year, the Senate provided $87 million for a C–130J aircraft to be purchased and converted into an EC–130J platform that is used by the 193rd SOW. This sum was enough to purchase a C–130J, but not the unique components that are to be fitted into the platform. I thank the Committee for its support of this important platform by its inclusion of $10 million in the Senate Appropriations bill for fiscal year 2004. I urge SOCOM to fully fund the unique components that will allow for the conversion of one C–130J into an EC–130J aircraft.

I ask the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee to support the EC–130J modifications for Special Operations Command.

Mr. STEVENS. Mr. President, this is an important platform for SOCOM, as we have clearly demonstrated by our support in this bill.

These modifications are important to the mission of SOCOM and the reason for inclusion of $10 million of additional funding in the fiscal year 2004 Defense Appropriations bill. The Committee also approved funds that could be used for these modifications in the Supplemental Appropriations bill for fiscal year 2003.

Mr. INOUYE. Mr. President, I would also expect the Department to give full consideration to supporting this worthwhile project.

Mr. SPECTER. Mr. President, as the Senate debates the fiscal year 2004 Department of Defense Appropriations bill, I urge my colleagues to consider the importance of protecting our Naval ships and sailors, particularly in strategic ports, such as the port of Phildelphia, where heavy commercial and military traffic coexist. I strongly believe that it is critical we do everything we can to ensure the installation of safeguards against future acts of terrorism. We must avoid another tragedy like the October 12, 2000 terrorist attack on the *U.S.S. Cole* in Yemen which claimed the life of 17 U.S. Sailors.

Recently, quad hull steel caisson technology has been identified as an effective protection mechanism for such ships and their crews. I encourage the Defense Appropriations Committee to pursue a demonstration project focusing on this technology that can lead to full production of these quad hull modules on a timely basis.

Mr. FEINGOLD. Mr. President, I rise to explain my vote on the amendment offered by the distinguished Senator from West Virginia to H.R 2658.

I share the Senator's concerns about our National Guard troops being deployed overseas for long deployments. I understand that the families of these troops are anxiously awaiting the return of their loved ones. And I, too, am deeply concerned about our troops being sent on dangerous and ill-conceived missions abroad.

I regret, however, that I could not support this amendment because, once the brave men and women of our Armed Forces are deployed, we should not micromanage their deployment. The ability of our Reserve and Guard Forces to work together seamlessly with the regular Active Duty Forces is critical. I am concerned that if we limit the length of deployment of our Guard and Reserve troops, we will fundamentally change this ''Total Force'' capability—and that is not a step that is in our interest today.

Before making this vote, I closely consulted with the National Guard in my State. They expressed to me the concerns I have noted. They expressed their concern that limiting the length of troop deployment will make them unusable for the Defense Department and therefore irrelevant to the American people. They do not want to become second-tier forces. Any change to their status should be carefully crafted in consultation with them, and should be carefully debated here to ensure

that the national security interests of the United States are fully protected.

But the Senator from West Virginia was right to bring this debate to the floor. The Guard and Reserve have been, and continue to be, heavily relied on by our country. This puts a tremendous strain on these brave men and women and on their families and we should look into ways in which we can reduce this burden. We should also ensure that our leaders are up front with the American people about the nature of the commitments that we undertake and the costs that they will be asked to bear in any military deployment. This clarity was not forthcoming in the debate over going to war in Iraq, and it is still not forthcoming today. The elected representatives of the American people are pressing the administration for answers, but too often, timeframes and budgets and straightforward assessments are elusive. I will continue to join my colleagues in fighting to ensure that Congress and the American people are given the answers they deserve to these vital questions.

Mr. VOINOVICH. Mr. President, I would like to take a moment to address my strong concern with the safety of U.S. military helicopters. As my colleagues may be aware, yesterday, a MH–53E Sea Dragon helicopter crashed roughly 10 miles southwest of the island of Sicily, which is home to U.S. Naval Air Station Sigonella. Four members of the U.S. Armed Forces lost their lives in this tragic accident.

During my time in the Senate, I have continued to raise the issue of aviation safety with our Defense Department. I believe it is crucial that we provide the funding necessary to provide for the safety of our men and women in uniform who ride in military helicopters—including funds for required maintenance, training, and modernization.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers—Chief Warrant Officer Kevin L. Reichert and Chief Warrant Officer David A. Gibbs—who lost their lives when their Apache helicopter crashed into the Albanian mountains during a routine training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at that time, the United States owes David, Kevin, and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John chapter 15:13, ''Greater love has no man than this, that a man lay down his life for his friends.''

As such, I strongly support a section of the report accompanying the version of the Defense Appropriations Act for fiscal year 2004 passed by the House of Representatives, H.R. 2658, which calls on the Army to provide a report describing mishaps sustained by Apache aircraft in Operation Iraqi Freedom. Specifically, the language reads:

The Committee is additionally concerned about the unusually high number of mishaps sustained by Apache aircraft in Operation Iraqi Freedom. The high incident rate may have resulted from the extensive number of security support and non-traditional missions flown by aircraft, as well as adverse weather conditions. As such, the Army is directed to provide the congressional defense committees a report, no later than January 30, 2004, that enumerates and describes the Apache aircraft mishaps, the cause and to the extent known, the follow-up actions the Army is considering to address any systemic problems.

As we begin conference on the Defense Appropriations Act of fiscal year 2004, I urge my Senate colleagues to retain this important provision.

Mr. CHAMBLISS. Mr President, I rise today in support of Air Force Procurement funds to purchase additional kits for the C–5 Avionics Modernization Program, AMP.

The Air Force requested these kits in their Unfunded Priorities List for Fiscal Year 2004, and both the House and Senate Defense authorization bills provided additional funding. These funds would be used to help put the AMP installation back on schedule to be completed by fiscal year 2007.

The Senate defense authorization bill includes a requirement to update the Mobility Requirements Study. I believe this study will almost certainly conclude that we do not have enough airlift capability to support our requirements. With this in mind, now is not the time to decommission any airlift assets. We are currently retiring C–141 aircraft. And the C–17 is a magnificent plane which has performed exceptionally well in Operation Iraqi Freedom and Enduring Freedom. This year's budget provides for 11 new C–17s, nevertheless we cannot purchase C–17s fast enough to fulfill our airlift requirements—that is why we need this C–5 avionics modernization program. This installation will extend the life and improve the capability of C–5s as well as contribute to our national defense for years to come.

The Air Force has purchased 10 AMP kits to date. The President's budget request only proposed funding for 18 kits. With the addition of monies to purchase more kits, the Air Force can achieve its most desirable schedule for purchasing kits and enhancing the C–5 fleet. The program is currently ahead of schedule and has performed exceptionally well in testing.

The need for the C–5s capabilities is very clear. The C–5 carried about half of all the cargo, 48 percent, in both Iraqi Freedom and Enduring Freedom—flying 28 percent of the sorties in Iraqi Freedom and 35 percent of the sorties in Enduring Freedom. The AMP is necessary for every plane in the fleet. In fact, General Handy, the Commander of U.S. Transportation Command and Air Mobility Command, has said that he strongly supports additional funding and wants to see the C–5 fleet get the avionics and safety upgrades of AMP as soon as possible.

The AMP modification will make the fleet compliant with the new Global Air Traffic Management standards established by the International Civil Aviation Organization. By making the planes compliant with the new Global, GATM, standards, the C–5 can use shorter flight paths and consume less fuel, thus operating more efficiently and will be cheaper to maintain.

Even if the Air Force decides to retire some of the older C–5s in the next 10 years, or move them completely to the Guard and Reserve, the planes must have these upgrades to be viable and safe in high-density flight areas, in particular Europe and the Pacific. These planes will be less expensive to maintain for their lifespan of flight.

Mr. FEINGOLD. Mr. President, I rise to add my thoughts to the debate on the Defense appropriations bill for fiscal year 2004.

I wish to take this opportunity to thank all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their hard work in the ongoing fight against terrorism, their efforts in Iraq, and the many other missions to which they have been assigned. These dedicated men and women have volunteered to undertake, often at great personal sacrifice, the task of protecting the American people and our way of life. We owe a huge debt of gratitude to the members of the United States Armed Forces for their selfless service.

I am pleased that this bill appropriates an average pay raise of 4.15 percent for military personnel and lowers servicemembers' out-of-pocket housing costs from 7.5 to 3.5 percent.

I am pleased that the Appropriations Committee has fully funded at the authorized level the 12 additional full-time Weapons of Mass Destruction Civil Support Teams, WMD–CST, included in the Senate-passed Department of Defense authorization bill. These teams, which are staffed by full-time members of the National Guard, will play an integral part in aiding first responders in their crucial work in the immediate aftermath of a terrorist attack. I have been a longtime supporter of the creation of these teams and am encouraged that we are well on our way to assuring that every State will have at least one full-time WMD–CST.

I am also pleased that funding for controversial data-mining programs, like the Terrorism Information Awareness Program and the Combat Zones That See Program, have been zeroed out in this bill. The untested and controversial intelligence procedure known as data-mining is capable of maintaining extensive files containing both public and private records on each and every American. Most Americans believe their private lives should remain private. Data-mining programs run the risk of intruding into the lives of individuals who have nothing to do with terrorism but who trust that their credit reports, shopping habits, and doctor visits would not become a part

of a gigantic computerized search engine, operating without any controls or oversight.

Unfortunately this enormous spending bill also contains many unnecessary items. I continue to be deeply concerned about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills, a concern I have voiced every year that I have been a Member of this body. This bill includes $9.1 billion for missile defense, despite the fact that it is an unproven program. We also continue to pour billions of dollars into duplicative fighter aircraft programs. These are just two of many examples of excess.

Despite the almost $370 billion appropriated, this bill still does not accurately reflect the true cost of the defense budget. This bill stays within the Department of Defense allocation only by rescinding $3 billion from prior supplemental appropriations and counting those funds against this year's spending. Even worse, this bill contains absolutely no funding for the operations in Iraq and Afghanistan, relying instead on future supplemental appropriations. These accounting tricks will not stop the ballooning of the national debt.

I was also disappointed that the Senate tabled the amendment to fully fund the President's AIDS initiative. I was thrilled by the commitment to fighting AIDS articulated by President Bush in his State of the Union Address, and I believe that the Congress should follow through on his historic and admirable pledge. Because I recognize that the AIDS pandemic is so devastating, because the pandemic causes the kind of instability and social collapse that present real security problems, I supported this amendment. But before I did, I studied it carefully because I needed to be certain that the offset would not diminish the resources available to the men and women of our armed forces currently deployed in dangerous missions in Iraq and elsewhere. Close scrutiny gave me confidence that the senior Senator from West Virginia had carefully crafted the offset to ensure that it would not do harm to our troops.

I will vote for this bill. This legislation includes good elements, such as the pay increases for military personnel and the funding for the establishment of much-needed WMD–CSTs. However, poor fiscal practices and accounting gimmicks cannot hide the fact that expensive, unproven, and redundant weapons programs continue to drain away scarce resources.

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

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

The bill was read a third time.

Mr. FRIST. Mr. President, the next vote will be the last vote of the evening. The Senate will not be in session on Friday. We will reconvene on Monday and begin consideration of the Homeland Security appropriations bill.

As I previously announced, there will be no rollcall votes on Monday, although we hope Members will be prepared to give opening statements and offer amendments during Monday's debate.

The next votes will occur on Tuesday. We will alert all Senators as to the timing of those votes when they are scheduled. I will have more to say on the schedule when we close the evening.

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately following final passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk has read the bill for the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—95

Akaka	Clinton	Feinstein
Alexander	Cochran	Fitzgerald
Allard	Coleman	Frist
Allen	Collins	Graham (SC)
Baucus	Conrad	Grassley
Bayh	Cornyn	Gregg
Bennett	Corzine	Hagel
Biden	Craig	Harkin
Bingaman	Crapo	Hatch
Bond	Daschle	Hollings
Boxer	Dayton	Inhofe
Breaux	DeWine	Inouye
Brownback	Dodd	Jeffords
Bunning	Dole	Johnson
Burns	Domenici	Kennedy
Byrd	Dorgan	Kohl
Campbell	Durbin	Kyl
Cantwell	Edwards	Landrieu
Carper	Ensign	Lautenberg
Chafee	Enzi	Leahy
Chambliss	Feingold	Levin
Lincoln	Pryor	Snowe
Lott	Reed	Specter
Lugar	Reid	Stabenow
McCain	Roberts	Stevens
McConnell	Rockefeller	Sununu
Mikulski	Santorum	Talent
Murkowski	Sarbanes	Thomas
Murray	Schumer	Voinovich
Nelson (FL)	Sessions	Warner
Nelson (NE)	Shelby	Wyden
Nickles	Smith	

NOT VOTING—5

Graham (FL)	Kerry	Miller
Hutchison	Lieberman	

The bill (H.R. 2658), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID of Nevada, and Mrs. FEINSTEIN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1300

Mr. HARKIN. Mr. President, I was inadvertently off the floor when the manager of the bill offered a managers' amendment that dealt with providing certain reparations to former U.S. servicemen who were held captive in Japan during World War II and were used as slave laborers in Japanese companies during the duration of the war.

Had I been on the floor at the time that amendment came up, I would have spoken about it and might have taken exception to its inclusion. I would have done so not because I do not think the former slave laborers of Japan deserve compensation, but it is coming from the wrong source.

Two years ago, Senator Bob Smith of New Hampshire and I offered an amendment that basically would have stopped the State Department and the Department of Justice from using taxpayer dollars to defend the interests of Japanese companies. That passed 58 to 34 in the Senate. The House passed the identical amendment in July in an overwhelming 393 to 33 vote, same provision, both Chambers. Incredibly, it was stripped out of conference.

Since then, the State Department has been wielding its influence on behalf of these Japanese companies, not the World War II POWs. I think this is unconscionable. The provision added tonight, basically, as I understand it, would give up to $10,000 to each former POW slave laborer, but that money comes from the taxpayers of America. Senator SMITH and I said that money ought to come from the Japanese companies that are still in existence. Some of them are multinational, some of them huge, such as Mitsubishi, that actually used American slave laborers during World War II. Many of these

POWs were packed into cargo holds from the Philippines.

Four thousand American servicemen lost their lives during the Bataan death march. Those who survived were shipped off to Japan for more than 3 years to serve as slave labor for private Japanese companies. Throughout the war, Americans worked in mines, factories, shipyards, and steel mills, labored each day for as long as 10 hours a day in dangerous working conditions. They were beaten on a regular basis.

Frank Exline of Pleasant Hill, IA, was one of those POWs, a Navy seaman, who was captured April 9, 1942.

Frank Smith worked 39 months for Japanese companies in Osaka, Japan. He began on the docks unloading rock salt and keg iron and later found himself toiling in the rice fields. He was fed two rice balls a day and given very little water. During his time with the Japanese companies, he was tortured and beaten once for taking a potato. Upon being caught, the potato was shoved in his mouth and he stood at rigid attention, in the Sun, for 45 minutes. If he moved or blinked, he was beaten.

There was Frank Cardamon, of Des Moines, a marine stationed in China. His ship was attacked, and he was captured at Corregidor and sent to Japan to work in an auto parts factory and in the mines and was never paid for his work. He was fed two cups of rice a day. He went from 160 pounds to 68 pounds in 3 years of capture.

Margaret Baker, of Oelwein, IA, wrote a letter about her late husband, Charles Baker. Charles Baker, an Army private, survived the Bataan death march. He was sent to work in the mines for 3 years in Japan. He died at age 54 in 1973.

In her letter she wrote: He suffered many injuries and hunger on the death march and during his imprisonment. We feel his early death was caused by the suffering he endured while working long hours in the mines without food, rest, and clothing.

These men and 700 of their fellow prisoners of war and their families have been trying to seek long-delayed justice over the past several years. They have been to court to demand compensation from the Japanese companies that used POW slave labor. Yet our own State Department has come down on the side of the Japanese companies, not our POWs. The State Department took the view that a peace treaty signed in 1951 prohibits reparations from private Japanese companies for survivors such as Frank. In fact, State Department officials have submitted statements to the court in support of the view of these Japanese companies.

Imagine our own State Department coming down on the side of the Japanese companies, not the side of our POWs. I don't think that is right and I don't think it is fair, especially when the State Department's assertion about the treaty is inaccurate.

The State Department says the treaty signed in 1951 in San Francisco, article 14(b), exempts Japanese companies from these kinds of lawsuits. I will read the entire article 14(b):

> Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Power, other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals in the course of the prosecution of the War. . . .

It says ''except as otherwise provided in the present Treaty.'' Well, the present treaty provides in article 26:

> Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

What does that mean? It means article 14 says that U.S. citizens, such as Frank Exline, could not sue Mitsubishi for reparations. But article 26 says if Japan were to conclude a different agreement or arrangement with another country that is more advantageous to the nationals of that country, those same advantages apply to all the signatories of the treaty.

Guess what. We didn't know this until the year 2000 when certain documents were declassified; we did not find out that Japan had concluded a separate treaty with the Netherlands, giving the Netherlands' national citizens the right to go to court to seek reparations. Under article 26, since the Netherlands got greater advantages than those under article 14, article 26 should be extended to those in the present treaty, including the United States.

The State Department ignores this. I guess they do not want to upset Mitsubishi or some of the other large corporations in Japan. They have continued to intervene in court. The courts have come down on the side of the Japanese companies.

The amendment Senator SMITH and I offered 2 years ago and adopted by the Senate and the House basically said the State Department and the Department of Justice cannot intervene in these cases anymore. They cannot use the taxpayers' money to intervene in these cases. That amendment was stripped from the conference report, I guess by the urging of the State Department.

This is why I am upset and stayed at this late hour to talk and why I will talk about it more. I did not know until yesterday that this provision was going to be slipped into the Defense appropriations bill. Otherwise, I would have been prepared with amendments of my own, amendments that this Senate adopted 2 years ago.

It is not right. First, it was not right for Japan and these private companies to use United States POWs as slave laborers. There is a book that describes the torture and what they went through working for private companies as slave laborers. It is not right they were treated that way.

Second, it was not right that the United States concluded a treaty that said you can never seek compensation from these companies. That is the treaty we concluded in 1951. But there was an escape clause that said if Japan concluded a treaty with another country more advantageous to that country, then those same rights would accrue to our citizens. But that was kept under seal from 1951 until the year 2000. Then we found out that article 26 applied and that our former POWs, used as slave laborers, should have the right to go to court to seek compensation.

I am not saying they would have gotten it. At least they could have gone to court to press their rights, to exercise their rights to seek compensation.

What the amendment tonight did is it said now American taxpayers are going to pay them, American tax payers are now going to pay $10,000 to each of these former POWs who are dying every day because of old age and infirmities. Why should the American taxpayer pay them?

These Japanese companies have a lot of money. A lot of the money they have was made on the backs of slave laborers during World War II, and these companies still exist today. That is why I found the inclusion of this amendment so offensive. It is a slap in the face to these former POWs, these slave laborers, saying: We are going to give you $10,000; now shut up.

I understand there was a previous amendment that would have given $30,000 or $20,000 to the widows. That was taken away. I understand it is only $10,000 now. Not only is that a slap in the face, but it is a slap in the face to the U.S. taxpayer, that somehow our taxpayers have to pay for what these Japanese companies did during World War II.

So this is not the last I will have to say about this. I will seek other avenues and other venues, bills coming across the floor of the Senate, to make sure our POWs have the right to seek compensation from these private companies. If the Dutch could get it done, if they had the right to do it, then our American citizens ought to have that same right under article 26 of the treaty of 1951. So while this amendment may have been adopted, I will seek other avenues, as I said, later on. And I will ask for record votes on it because Senators voted on it 2 years ago and House Members voted on it 2 years ago overwhelmingly. Maybe it is time to express, again, our displeasure at the State Department for what they have been doing, for interfering with the rights of our citizens to seek redress in our courts.

With that, again, I put the Senate on notice that this amendment will be coming down the pike whenever I find the first opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, tonight the United States Senate accepted an amendment that I wrote with the distinguished senior Senator from West

Virginia, Mr. BYRD, to require accountability and independent oversight on the ''contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds that are made available by the Department of Defense.''

This requirement is long overdue.

Too much money is moving right now out of public coffers into private hands without adequate assurance that those hands have won the contracts fairly. Suffice it to say, the sums of money involved are staggering. The latest issue of Newsweek magazine says:

> $1 billion a week, and that's the lowside. So much for ''self-sustaining'' reconstruction.

The head of Iraq's State oil marketing organization thinks ''the United States is dreaming if it believes it will be able to finance the reconstruction with oil money alone.''

I was particularly troubled several weeks ago because, in the New York Times magazine, there was a feature length article describing the letting of a multibillion-dollar oil field contract to Kellogg, Brown and Root. That contract was sole source, meaning that Kellogg, Brown won it without having to compete at all. But now it appears that Kellogg, Brown and Root actually developed the Army's plan for the oil field restoration effort, and then was awarded the contract to carry out the plan, almost automatically.

I think it is important to be clear. This process essentially allowed an incumbent contractor to identify the criteria for a multibillion-dollar contract and virtually ensured that it would be awarded the contract without competition. The inside track doesn't peter out there. Under the auspices of an even larger, incredibly lucrative contract with the Army, Kellogg, Brown seems to have written the Army's so-called contingency plan for rebuilding Iraq. If the news reports are correct, then the potential for sole-source custom-crafted contracts is practically guaranteed by Kellogg, Brown's agreement.

The Department of Defense recently announced that it is going to go back and solicit bidding for the oil field contracts. So, in a sense, that ends the original controversy, the original contract that I was so concerned about with Kellogg, Brown and Root. But the American people deserve to know whether, in reletting this contract, the Department of Defense has finally acknowledged a problem with the original agreement and the contract processes that are being used today. The American people deserve to know whether the Department of Defense, on a regular basis, is letting other contracts to other companies in this fashion. The American people deserve to know whether the Department of Defense intends to continue this practice where it has not yet been discovered.

If individual contractors are customarily setting the criteria for the work they plan to pursue, it seems to me there are serious conflict-of-interest issues that the Department of Defense should be working immediately to root out.

When you consider the Kellogg, Brown and Root contracts are so-called cost-plus contracts, this arrangement becomes even more unacceptable. Cost-plus lets companies spend what they think is necessary, and after that they get to tack on a percentage fee to make a profit. The more taxpayer dollars the company spends, the more profit they bring home. In effect, these contracts send out a message that the Treasury is open. If you are wasteful and inefficient, don't sweat it because the taxpayer is just going to pick up the bills.

A number of Iraqi reconstruction contracts, not just the Kellogg, Brown contract, have been designed in this way. If the Defense Department is going to spend my constituents' money in this manner without asking for a competitive bid, my constituents deserve to know why.

I have just been having community, townhall meetings in a number of our small, rural communities. I was recently in Gold Beach, OR, at a townhall meeting. Folks there were talking about the difficulty they face getting money for dredging, which is critically important. It is the lifeblood of these small, rural communities on the Oregon coast. They have to battle for every dime in order to get the funds for dredging. I can tell you my constituents in Gold Beach, Coos Bay, Pendleton, and Portland—across the State of Oregon—are saying there is no place for waste. With respect to these Iraqi reconstruction contracts and various other contracts with Iraq, they want to make sure that not only is there no waste, but there should not be any possibility for impropriety.

I understand that in some cases, there may be valid reasons for the awarding of contracts that seem suspect to the untrained eye. One explanation I have heard repeatedly is the need to award some contracts quickly. Another is the need for security clearances. But I cannot imagine that the need to move quickly is a valid justification for ignoring experience as a criterion, nor does a security clearance seem necessary for rebuilding a sewer system.

As a Member of the Intelligence Committee, I had thought these arguments were pretty shaky before. I said then, and I will repeat it tonight. I believe the Department of Defense and other agencies involved in reconstruction would have a more open process and greater credibility if they knew they had to face the public on these important issues.

The fact is: The Pentagon has kept the American taxpayer in the dark. The American people at present do not know how the select group of contractors was chosen, how much the reconstruction of Iraq will cost or how long it will take.

Tonight, with the adoption of the legislation authored with Senator BYRD, we are going to be in a position to finally get on top of those issues.

I want to express my appreciation to a number of the Senators on the Appropriations Committee, particularly Senator STEVENS, the distinguished chairman of the full committee, and Senator BYRD, the ranking member of the Defense Appropriations Committee, and the distinguished subcommittee chair of that committee, for working closely with me and my colleagues on this legislation.

Recently, the New York Times reported the current supply of about $7 billion for rebuilding Iraq includes $1.7 billion for Iraqi assets frozen in U.S. banks, $900 million found hiding in Iraq, and about $1.6 billion from Iraqi oil sold before the war. The United Nations is holding about $1 billion for development, and Congress has already appropriated $2.4 billion for reconstruction contracts. The occupation administrator is reportedly seeking about $6 billion for the remainder of this year, and ''the amount for 2004 will be considerably higher.'' Independent sources familiar with Iraq have put the price tag at upwards of $100 billion.

The Pentagon just last week informed Congress that the monthly cost of military operations is really twice what they predicted in April, or nearly $4 billion. Secretary of Defense Rumsfeld called this a ''burn rate'' of $1 billion a week. My question then becomes, Will the administration have to effect a similar doubling of the projected reconstruction costs? What sort of a ''burn rate'' can the American people expect on the reconstruction side of the ledger?

We have seen the costs go up and up with respect to military operations. Suffice it to say, I think there is every reason to believe that will be the case with respect to reconstruction contracts as well.

What Senator BYRD and I have said—and we are very pleased the Senate on a bipartisan basis has accepted our amendment—is it is time for some accountability, and it is time for real and independent oversight with respect to these contracts.

What is needed are clear processes and standards for designing and awarding contracts. What is needed are clear criteria for justifying sole-source contracts. What is needed are mechanisms to provide independent oversight over contractors. What is needed are policies to prevent conflicts of interest. What is needed are policies to prevent waste, fraud, and abuse. What is needed are ways to assure the percentage of profits is determined for cost-fixed-fee contracts in a way that protects our taxpayers. Finally, what is needed is a list of all contracts for reconstruction and other services in Iraq and their overall expected costs and duration.

This week the civil administrator Paul Bremer 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. He admitted that reconstruction

of Iraq is ''not going to be self-financing.'' Newsweek magazine called these numbers ''misleading.''

What this means, in plain English, is that U.S. taxpayers are going to get stuck funding the difference for a number of months and for the foreseeable future.

We believe the pattern of secretive and closed bidding for these construction contracts is unacceptable. It seems to me the American people have a right to hear if there are reasons for sole-source and invitation-only contracts for these projects. If something is amiss in the Iraqi reconstruction contracting process, then the oversight and the accountability—as Senator BYRD and I have called for in the legislation accepted tonight—is going to bring that to light. It is high time Congress and the American people arrive at fair judgments about these difficult issues with respect to funding the reconstruction of Iraq. The American people deserve real accountability at a time when we need the money here at home for our schools, for our health care facilities, for our roads, and for the critical needs of strengthening our economy.

I think it is a significant step the Senate has taken. It assures this will now be an effort to establish true oversight and accountability over the billions of dollars that are being spent now and that will be spent with respect to reconstructing Iraq and other services in that country.

I thank Senator BYRD for his patience and assistance in this legislation.

Again, I express my appreciation to Chairman STEVENS for helping us to draft this in a way that will win bipartisan support.

I yield the floor.

Mr. REID. Mr. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2555

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, July 21, at 1:30 p.m., the Senate proceed to the consideration of Calendar No. 192, H.R. 2555, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SENATE BUSINESS

Mr. FRIST. Mr. President, we have had a full week, a complete week, though it is Thursday evening, and almost 9 o'clock. We will not be in session tomorrow, and we will not have votes on Monday but will proceed to the Homeland Security bill Monday during the day and, hopefully, make progress.

As we look over the course of the week, it has been a full and complete week, with a number of amendments and a lot of debate, a lot of issues. I congratulate members from the Appropriations Committee, the leaders on both sides of the aisle for their leadership, in bringing us to the point that we have now passed three of the appropriations bills.

We will have a busy week next week. We will proceed as far as we can in addressing, hopefully, a number of appropriations bills next week. And then, that following week, which will be the last week we are in session, we will address Energy and, hopefully, complete the Energy bill, which is my intention, before the August recess.

Mr. REID. Mr. President, if the distinguished majority leader will yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know he has a lot more work to do tonight. I want to say, briefly, before he completes his statement on Prime Minister Blair, and other things, in the National Journal's Congress Daily today, it was brought to my attention that, among other things, it says—and if it is here I am sure it is true; we know all things written are true that the press puts out—

GOP staffers continue to meet in an effort to flesh out a reworking of the bill's electricity provisions. A new proposal expected to be released sometime next week.

The only reason I bring this to the leader's attention this evening is that the bill, as it is, is very difficult. We know there are problems with the electricity section. On both sides of the aisle, people are concerned about it.

If there is going to be a new electricity section in this bill, we have to have it next week because there is tremendous concern, especially by the Senators from Washington. And as we discussed yesterday, there are more than 300 amendments on this matter.

The two leaders are sponsors of one of the main amendments in the bill, and I know the two leaders want to get this bill finished. But having said the two leaders want to finish the bill, we still have 98 other Senators to worry about.

I would hope there is some realization of the great difficulty of finishing this bill, especially if there is a new section to be written about electricity. If it is a section that everybody signs off on, that would alleviate a tremendously large problem with this bill.

So I just want to say, we have 2 more weeks to go. I think this week, even though I am sure there is some disappointment in the leader in not being able to complete more appropriations bills, we did a monumental task of finishing this bill in the time we did. I think the debate was good. There were no nonrelevant amendments. No points of order had to be raised. So I think we have done good work. But I do not want, by the mere fact that we keep talking about the Energy bill, for anyone to think it is going to be a simple issue to get that completed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments from the assistant Democratic leader and understand that the task before us is a large one. One of the advantages we have is that we began to address the Energy bill on May 6 of this year. We have spent 12 days on the floor debating the bill. We made good progress on the Energy bill, and by saying we would spend a week, or the last week of this month, focused entirely on that bill, we have given all of our colleagues the opportunity to work—both members on the committee and our colleagues not on the committee—the opportunity to develop amendments, to discuss those amendments, to work in a bipartisan way across the aisle to come to agreement—and not necessarily consensus but agreement—in lots of different areas.

One of the good things about, at least 6 weeks ago, saying and making very clear to our colleagues we are going to spend the last week on it is that it has given us the opportunity to work together and to look at the various potential amendments as well as the underlying bill.

It is a huge challenge, I recognize, but one I personally look forward to working with the leadership on the other side of the aisle to accomplish as we go forward.

Mr. President, tonight we passed the Defense appropriations bill. I am very pleased with the progress today. Now we have passed three of the 13 appropriations bills for the new fiscal year that begins in just under 3 months.

In many ways, it is ironic because at the beginning of this year we had 11 appropriations bills we had to pass, and now we have passed three; so indeed we have passed 14 appropriations bills this year, which is remarkable. But, in truth, we have three appropriations bills of the 13 for the new fiscal year that we have passed. And now, well over an hour ago, that third one being passed is a benchmark in many ways. I am hopeful that over the course of the next week we will pass as many as three more appropriations bills. I am confident we will be able to pass two. I would like to be able to pass three, which would mean six appropriations bills passed before the August recess.

On Monday, as I mentioned a few minutes ago, we will begin debate—for the first time, I might add, in this Chamber—on a brand new appropriations bill; and that is the Homeland Security appropriations bill. A lot of my colleagues have not thought about it in those terms, but because of our response and reorganization—our response to, in some part, 9/11, but our reorganization of the Homeland Security Department—we now have a Homeland Security appropriations bill, and we will be addressing that beginning Monday.

And, yes, each time I either open or close the Senate it seems people say it is a challenging schedule. It is a challenging schedule. Indeed, to complete all the appropriations bills, and to send them to the President before the beginning of the new fiscal year, will be a real challenge. But it is our responsibility to do so.

As the distinguished ranking member of the Senate Appropriations Committee reminds us on a regular basis, one of our most basic responsibilities of the Congress under article I of the Constitution is that ''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.''

Thus, we take this fundamental responsibility seriously. And thus the discipline and the focus, the patience, the collegiality, the cooperation must all be reflected in order to accomplish that task.

There is reason to be optimistic that for the first time in almost a decade we can complete action on all of the 13 appropriations bills and have them signed into law before the new fiscal year begins October 1. Again, when we accomplish that—if we accomplish it—but when we accomplish that, it will be for the first time in almost a decade.

That optimism stems from a number of facts: first, from the fact that having adopted a budget resolution earlier this year, we now at least begin this appropriations process with a defined top-line spending level for all the appropriations bills next year, that top line being $784.6 billion.

That optimism is also a result of the hard work of the chairman of the committee and the ranking member of that committee, as well as others, to establish very early a general understanding with the administration how the President's priorities and the congressional priorities will be considered.

That optimism that we can accomplish completion by the end of the fiscal year also stems from the fact that of the 13 appropriations bills, the Senate and House's initial allocations are identical for 7 of the bills, and these 7 bills, with identical allocations, represent three-quarters of all the appropriations for next year.

A lot of this is made possible by a very close working relationship with the House of Representatives. Speaking of the House, I am optimistic that before they recess in about a week or 7 days from today or possibly tomorrow, they will have completed 11 of the 13 bills. That will have been a major accomplishment and one that will expedite going to conference quickly to resolve any differences with the Senate bills in September.

Finally, that optimism is further strengthened by the fact that because we have a budget in place this year, because we passed a budget and we have a budget in place right now, we also have the tools to enforce the spending levels that are assumed in that budget.

Over this week we have made much progress on the appropriations process. We have begun the process in earnest. We have achieved a good first step. Even with this optimism, I know it will not be easy. After the August recess, we will need to complete action on the remaining bills in the Senate and then conference those with the House.

We also recognize that in discussion of these appropriations bills, there are many demands—we saw a number of them play out today—in the bills that come before us. We will see many very good programs, many very worthy programs that require funding. But we will also see programs—and will be talking about that on the floor—that were simply created at a different time in our history. Or we will be talking about programs that simply were created but have not met their goals, programs where continued funding is simply not the most effective use of taxpayer dollars.

As we saw the deficit figures come out over the course of the last week, again and again we said, there are certain things that can be done. It is to grow the economy. It is to reap the benefits of the jobs and growth package that we passed on the Senate floor with those midterm and long-term effects of growing the economy, creating jobs. Thirdly, there is the fiscal discipline that does demand tough choices, that does demand tough decisions.

We are committed in this body to slowing rates of Government spending, and indeed, if you exclude the spending in the war supplemental last spring, the appropriations for next year will represent less than a 3-percent increase over the current year.

Spending will be tight. Many worthy programs and initiatives may not see the increases they have enjoyed in many recent years. Recent years' appropriations have grown at an annual rate of over 7 percent. That simply cannot be tolerated. It is unacceptable today, growing at 7 percent. That is faster than the economy. That is faster than families' paychecks. We simply will not do that. We cannot do that. We need to engage that fiscal discipline.

Again, if you take out that war supplemental from last spring, the appropriations for next year will be less than a 3-percent increase over the current year. It is that type of fiscal discipline that we will demonstrate.

I do know we can live within our budget that we adopted earlier this year. I look forward to working with the Democratic leader and the leadership of the Appropriations Committee to fulfill our responsibility under the Constitution to enact appropriations bills and to do so in an orderly and timely manner.

Our work this week demonstrates that disciplined, orderly manner again in a timely way. I thank my colleagues for their cooperation, for their patience as we, under the leadership of Chairman STEVENS, proceed in this disciplined manner.

PRIME MINISTER TONY BLAIR

Mr. FRIST. Mr. President, we in the Senate today had the experience of participating in the joint meeting in the House Chamber listening to Prime Minister Tony Blair. I opened the Senate this morning pointing out that we would be welcoming and honoring our distinguished visitor in this joint meeting. I mentioned that he is the fourth sitting Prime Minister to address a joint session of the Congress, preceded only by Winston Churchill, Clement Atlee, and Margaret Thatcher, three of histories great leaders.

Today's historic tribute gave us the opportunity to reaffirm our abiding friendship and our deep respect both for the man, Prime Minister Tony Blair, as well as the people of the United Kingdom. Our two nations have stood shoulder to shoulder to defend the free people around the world.

We had the opportunity to meet with the Prime Minister before the address. We were able to directly express our appreciation to the Prime Minister and for him to reflect to the people of Britain for their courage and their resolve.

As you sat in the majestic House Chamber and listened to those words, I think we were all affected very directly because it helped elevate the debate which seemed to have mired down in part of the way it has been handled by the media but also the way it has been handled by a number of our colleagues both in this Chamber and in the other Chamber.

The words from Tony Blair really did elevate it. There is just one passage I want to quote from what the Prime Minister said today in the Chamber:

> And I know it's hard on America, and in some small corner of this vast country, out in Nevada or Idaho or these places I've never been to, but always wanted to go. I know out there there's a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country, ''Why me? And why us? And why America?''
>
> And the only answer is, ''Because destiny put you in this place in history, in this moment in time, and the task is yours to do.''

The Prime Minister continued:

> And our job, my nation that watched you grow, that you fought alongside and now fights alongside you, that takes enormous pride in our alliance and great affection in our common bond, our job is to be there with you.
>
> You are not going to be alone. We will be there with you in this fight for liberty. We

will be with you in this fight for liberty. And if our spirit is right and our courage firm, the world will be with us.

I mention this passage because, as we sat there for that 30 minutes or so, this passage where he mentions that ''destiny put you in this place in history'' is one that just struck a chord.

I contrast that with the debate that has seemed to play out in the media over the last week in regard to the quality and integrity of the case made by President Bush for the removal of Saddam Hussein's regime.

I have to say, as I have heard people comment on the case that has been made for this war, I have been increasingly disturbed. In part it is because of the sound of shaking confidence by people who intend to shake the confidence, or who want to instill or inject into the American people self-doubt about America's mission in Iraq.

But when you stepped back and listened to the Prime Minister today, all of a sudden you realized that a bloody tyrant no longer rules in Iraq. It made you realize that a man who, without regret, murdered members of his own family, as well as tens of thousands of his own citizens, has now been removed from power. The perpetrator of one of the past century's most gruesome crimes against humanity—the use of chemical weapons on thousands of innocent Kurds—no longer is free to pursue such weapons. The aggressor in the gulf war who, a decade ago, invaded his neighbor, only to be driven out by a mighty coalition, no longer threatens the volatile region of the Middle East.

Now all of this second-guessing is perplexing to me. If you look over the last week, we have had things mentioned like Watergate, which was referenced by candidates eager for the next election. You hear candidates using words like ''impeachment'' being laid upon the table. We have seen, over the last week, special e-mails going out from party headquarters, saying: More money needed to fan the flames of controversy.

Indeed, we know all these campaigns have begun, and there are many people who seem to be eager to topple the leader. I mention all that because of the contrast in what we heard today from Tony Blair, who elevated the facts and the greater cause of liberty, in contrast so much to what our media and the candidates have focused on. This whiff of politics is in the air.

What bothers me about it is that there is a cost if we get in and play a game of politics at this juncture in history. As I listened to the Prime Minister today, I thought, what does this do to the reputation of our country, to the position of our President? Prime Minister Tony Blair helped put that into perspective today.

Indeed, the record is replete with the case against Saddam Hussein, such as the mass graves. Our colleagues who have just come back from Iraq so vividly described standing at these mass graves the size of football fields—thousands of graves exposed. And really only now are the thousands of widows and mothers and orphans—all victims, also—able to openly grieve. Who will ever forget the pictures we have seen of those desperate citizens of Baghdad, actually clawing at the ground in a vain search for these hidden prisons that might hold their loved ones. You see these images of mass graves.

Our colleagues have come back—and we have had two delegations over there, and another one will be going shortly—with descriptions of the unmistakable mark which these mass graves represent of history's tyrants, the legacy of this regime, and the shame of anyone among us who would have tolerated it for one day longer than we knew it to be a fact.

As I listen to some of the candidates and colleagues and critics, it leads me to ask: Are we deaf in some way to the plight of the Iraqi people based on the facts that we know? Is the suffering of the Iraqi people—when we think about those graves or about the thousands of Kurdish individuals upon whom Saddam Hussein inflicted chemical weapons of mass destruction—it makes you ask is our moral purpose as a Nation so diminished that we do not see the justice of our own cause, that larger purpose, that sense of liberty and fighting for liberty that Prime Minister Tony Blair talked about today?

We heard in this body all of the evidence on Iraq before the war. We had the opportunity, through open hearings, closed hearings, classified information. I clearly was convinced. I had the opportunity to sit in my office, which is just probably 200 steps from where I am speaking now, and listen to about 12 Kurdish physicians who came to visit the United States. They came to see me because I am a physician. They simply laid it out to me that they took care of thousands of people—these are the physicians who took care of thousands of people who were poisoned with chemical weapons from Saddam Hussein—thousands of people, not 10 or 15, but thousands. They talked about the peeling of skin. They talked about the suffocation. They talked about people dying before their eyes.

They also told me they are still taking care of those people who survived, although we know scores of thousands of people died from these chemical weapons imposed or inflicted upon them by Saddam Hussein; but, indeed, these doctors I talked to in my office months ago are still treating some of the victims from that atrocity. Yet, at the same time, we have heard discussions this past week with some questioning whether this tyrant was capable of possessing and using such weapons again.

There seems to be a disconnect over much of the discussion of the last week. This week people said: After all, he declared himself free of these weapons.

But as we all know, he denied again and again—and it was part of the resolution—those inspectors the opportunity to prove him wrong. So I am perplexed and bewildered by those who would accept the word of an inhumane, callous, mass murderer at this point in time, and whose word they seem to even be holding higher than that of the President of the United States.

It is a travesty to me. It is nonsense, and it really comes back to that basic question: Is there anybody in this Chamber who would honestly dispute that Saddam Hussein possessed weapons of mass destruction; that he used weapons of mass destruction; and that he never abandoned that course? I really don't think so.

We can take it a step further. Is there anybody in this Chamber who believes that we would have been all, in some way, better off with Saddam Hussein still in power? The answer is clear. Indeed, 9 months ago, 77 Members of this Chamber voted to authorize the President to use force in Iraq. In that resolution, we enumerated very clearly the many reasons.

First, the Senate found—this was 9 months ago—that Saddam Hussein was developing, did possess, and had used weapons of mass destruction. That is No. 1.

No. 2, 9 months ago, based on the information that was available to us and the briefings that we had, the Senate found that Iraq invaded Kuwait in 1990. And after being driven back by an international coalition, Saddam Hussein unequivocally agreed to eliminate all weapons of mass destruction and to prove so to the world community.

No. 3, the Senate found that Saddam, in fact, used denial, used deception, and used harassment to thwart efforts by international inspectors to prove compliance with those terms.

Fourth, the Senate reiterated its finding from 1998 legislation that Saddam Hussein had a continuing program to develop weapons of mass destruction in material breach of his terms of surrender in the gulf war.

Finally, and fifth, the Senate listed the myriad of United Nations Security Council resolutions reaching the same conclusions that the Senate had reached.

I wish to stress once again, because it is important to understand, this was 9 months ago, and 77 Members of this Chamber voted with this understanding. All of these findings were made on thorough intelligence briefings. They were considered judgments by Members of this body, all separate from any report about a uranium purchase from Africa, which has tended to be the focus of people over the last week.

On October 9, 1998, 2 years before the current President was elected, Senators then wrote to President Bill Clinton demanding military action against Saddam Hussein. This is 1998. They wrote:

We urge you to take necessary actions (including if, appropriate, air and missile strikes) to respond effectively to the threat

posed by Iraq's refusal to end its weapons of mass destruction programs.

This was followed by a December 17, 1998, letter calling for the use of military force again by then-President Clinton ''to compel compliance or to destroy to the best of our ability Iraq's capability to build and deliver weapons of mass destruction and threaten its neighbors.''

What is incredible to me now is that some of those very same people who signed those letters now are questioning whether an honest case was made by President Bush that Iraq had weapons of mass destruction. The very same people signed those letters. So I am moved to ask, What reversed the conclusion that they had so confidently reached 5 years ago? Was it in some way a change of facts or was it a change just in the Presidency?

Yes, my implication is what we have seen over the last week is a matter of politics, and I think, again, of the Prime Minister's visit today and his message of what this war has meant to free people, yes, in Iraq, but around the world. All of this is a serious matter. It demands our attention. I say that because as I speak, we all know that American soldiers, British soldiers, coalition soldiers stand in harm's way. We all sort of stand in fear of turning on the television at night, in the morning, or reading in the paper once again of tragic casualties.

All of that speaks to me that we must redouble our efforts against the small but determined enemy to stabilize Iraq. A democratic and prosperous Iraq, just as the Prime Minister said today, will not only change the Middle East, it will change the world for the better. It is a worthy cause of our Nation and one that we simply will not—will not—permit to fail.

Mr. President, I will, in the interest of time, probably have more to say about this next week. This is the nature of the debate. Again, I express my appreciation on behalf of the Senate to the Prime Minister for joining us today.

THE BUDGET

Mr. CONRAD. Mr. President, the day before yesterday we saw an announcement of the biggest deficits in the history of the country this after the President told us just 2 years ago that we did not need to worry about future deficits; in fact, there were going to be massive surpluses. He said in a speech on March 27, 2001, when he was campaigning for a massive tax cut:

> Tax relief is central to my plan to encourage economic growth, and we can proceed with tax relief without fear of budget deficits, even if the economy softens.

This is what the President told the country. It has proved to be totally wrong. These are now the biggest deficits we have ever had in the history of the country, $455 billion, and that understates how big these deficits really are. Just using that number, which the administration has put out, is by far the biggest deficit we have ever had. The previous record was $290 billion. So this is a very large deficit by any measurement.

The President then told us the next year, after it became clear that his earlier statements were not correct, that:

> . . . our budget will run a deficit that will be small and short-term . . .

Well, that has proved to be wrong again. These deficits are not small, and they are not short term. In fact, these deficits are of record size and we see no end to them. By the administration's own analysis now, we see no end to these deficits.

This chart shows the portrayal of deficits over the last 30 years, and one can see that the deficit this year is the biggest of all time. Look at the trajectory, which is truly stunning. We have gone from surpluses that we ran for a 3- or 4-year period to this extraordinary rise of the deficit. Still the administration is trying to downplay its significance.

Earlier this year, the then-OMB Director said:

> I think . . . that at today's levels of 2 to 3 percent of GDP—

Or gross domestic product—

> these are modest and manageable deficits.

The current OMB Director has continued with that same theme. He said in June:

> Our current deficit, as measured as a percentage of gross domestic product, is not large by historical standards and is manageable within the overall context of our economy.

Let's examine the claim that these are modest deficits as a percentage of our gross domestic product.

This chart looks at the record of deficits as a percentage of our gross domestic product. This is what it shows. If one takes out Social Security—which one should because it should not be included in the calculations of the operating expenses of the Federal Government—what one sees is, as a percentage of the gross domestic product, this is the second largest deficit in 57 years.

I was reading the Washington Post this morning. The writer of that story said the White House makes a good point that the deficit is 4.2 percent of the gross domestic product and we have had deficits that large before.

What that neglects to take into account is the fact in 1983 there were no Social Security funds to raid. This year, the administration is not only running a $455 billion deficit but on top of that they are taking $154 billion of Social Security money. So on an operating deficit basis the deficit is over $600 billion; that is 5.7 percent of gross domestic product. There were no Social Security funds back in 1983. There were no surplus funds to take. In a fair comparison, this is the second biggest deficit on a gross domestic product basis in 57 years.

Previously, the President has acknowledged the importance of paying down the debt, of not running deficits. In fact, in 2001 he said:

> . . . my budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

Madam President, now we can check the record, words versus reality. The President said he was going to pay down the debt so there would be almost nothing left by 2008. Now we see, with this latest report from the President's own administration, instead of almost no publicly held debt by 2008, we will have $5.5 trillion of debt. When is this administration going to admit its plan is not working? How much more evidence will they have to have before they acknowledge this whole plan is an absolute, abject failure? This President has told us repeatedly there weren't going to be any deficits. Then when it became clear there are, he said they were going to be small. Now that it is obviously apparent these deficits are massive and large, they say, don't worry, we are going to reduce them in the future.

None of it is true. These deficits are massive. They are long lasting. And we have not seen anything yet.

This is a chart that shows what has happened to revenue as a percentage of gross domestic product. What this shows is that revenue this year, according to the administration's own projections, is going to be the lowest since 1959. We have a revenue problem and the President's answer is, cut the revenue some more. Let me repeat that: We are going to have the lowest revenue as a share of gross domestic product since 1959 and the President's answer is, cut the revenue some more, not cut the spending to match the reduced revenues. He is advocating increasing spending. But cut the revenue some more, make these deficits even bigger, does that make any sense to people listening? It makes no sense to me.

We look at the 2003 transformation from the administration telling us there would be surpluses to now record deficits; 77 percent of the reversal is on the revenue side of the equation; 23 percent is spending.

Friends, we have a revenue problem. We also have a spending problem. But the revenue problem dwarfs the spending side of the equation.

When we look at the spending side of the equation, this is what we see in terms of the increases in discretionary spending that have occurred over the last 3 years. Where has the money gone? In 2001, ninety-five percent of the increase went to defense, homeland security, and response to September 11. In fact, the lion's share, the green bar on the chart, is defense: 73 percent of the increase in spending that has occurred is because of defense; 15 percent is homeland security; 7 percent is New York City reconstruction and airline relief as a result of the attack of September 11.

If we look at 2002, we see the same thing: 55 percent of the increase is defense; 17 percent is homeland security; 21 percent is for rebuilding New York and airline relief and international funding for Afghanistan and Iraq. So 93 percent of the increase in discretionary spending for 2002 is defense, homeland security, rebuilding New York, airline relief, and, of course, international aid because of the efforts in Iraq and Afghanistan.

In 2003, it is exactly the same thing. The increase in spending, where is it? Defense, 76 percent; 11 percent, homeland security; 7 percent, aid to New York and airline relief and the international initiatives.

The administration says the whole problem is the attack on the country with these burgeoning deficits and the economic slowdown. They have left out the biggest factor of all. The biggest factor of all is their tax cuts. The biggest chunk, 36 percent of the reversals from surpluses to deficits over this budget period, is from the tax cuts implemented and proposed by the President; 27 percent is lower revenue not associated with the tax cuts; 28 percent is spending. As I have indicated, only 9 percent is the economic downturn.

All of this is happening at the worst possible time because right now the trust funds of Social Security and Medicare are producing large surpluses. But we all know those days will not last. We all know there is something coming called the baby boom generation; they will retire and the trust funds that are throwing off hundreds of billions of dollars of surpluses will turn to cash deficits. They will turn cash negative. When that occurs, we can see what will happen to the finances of the Federal Government.

Perhaps most startling about this chart is the President's tax cuts, explode in cost at the very time the cost to the Government explodes because of the retirement of the baby boom generation. So the deficits being run now, which are record deficits, are going to be thought of as the good times because this is the sweet spot in the budget cycle. This is when things are, in fact, manageable for the moment. Why? Because the trust funds are throwing off hundreds of billions of dollars of surpluses.

This chart is not mine. This chart is from the President's own budget proposal, from page 43 of his Analytical Perspectives. This is the President telling the Nation what he thinks will happen if his tax plan and his spending plans are adopted.

This is what it shows. This is the period we are in now. Remember, these are record deficits now, the biggest we have ever had; even on a GDP basis, the second biggest in 57 years. But they are nothing compared to what we are headed for.

Is anybody paying attention? I commend the news media for recognizing that the deficit this year is a record and next year is going to be even bigger. But they are missing the big story. The big story is where this is all headed. Not according to me, this is according to the President himself. There is no end to the deficits, and they absolutely explode when we get to the time the baby boom generation is retiring and the costs of the President's tax proposals are fully phased in.

These are deficits, not in dollar terms but as a percentage of GDP. The President's people say they want to have their budgets evaluated on that basis. This is an evaluation on that basis. What it shows is that we never escape from deficits and that the deficits absolutely explode if the President's policies are adopted—not any additional spending by Congress, this is his spending plan, his tax plan. It is an unmitigated disaster for this country.

If we had deficits of this magnitude today, instead of announcing a $455 billion deficit, the deficit for this year would be $1.2 trillion. That is where this is all headed. That is the dirty little secret of what is going on here in Washington. This President is digging a hole that is deep, deep, deep, and it is filled with red ink. It is not going to work. It is going to lead us to a future Congress and a future President who are going to have to make really stark decisions, draconian decisions. Because if this plan is adhered to, a future Congress and a future President will have to shred Medicare, shred Social Security, and most of the rest of the Federal Government as we know it. Maybe that is the intention of some. Maybe that is what they want to do. I am beginning to suspect it must be, because they are smart people, they know where all this is headed. This is their own analysis of where it is headed.

The Chairman of the Federal Reserve said on July 16, in testimony before the Senate Banking Committee:

> There is no question that if you run substantial and excessive deficits over time, you are draining savings from the private sector, and other things equal, you do clearly undercut the growth rate of the economy. That is one of the reasons I have argued for years about getting the deficit down. So I have no question that if we do not come to grips with these deficits issues, it will make it more difficult for us to maintain the type of growth rates which . . . will bring total employment up and bring the unemployment rate down.

Is anybody listening? Is anybody paying attention? Does anybody care about the economic future of this country, the economic strength of the Nation? Because all of it is being threatened by these policies.

The President told us you have to do this because it is going to improve economic growth. He told us 2 years ago, if we adopted his plan, economic growth would return and the country would be on a stronger course. Let's just check the record.

What we see is that this President's record on economic growth is the worst of any President in the last 50 years—and not by a little bit, but by a lot. The fact is, this President's economic plan is not working. If we look at the critical question of job creation, what we see is that the Bush economic record shows the worst results since the Presidency of Herbert Hoover. This President has been in charge. His economic game plan has been in place for over 2 years—2½ years. It is not working. It is failing. It is just as clear as it can be.

This is the historical record on job creation in the private sector. There has not been a weaker record since Herbert Hoover. In fact, no President in the last 70 years of the history of this country—no President has lost private sector jobs over their term in office. Not one President. This President has. As I have indicated, you have to go back to the Presidency of Herbert Hoover to see this kind of economic record.

Let me just end with the New York Times editorial of yesterday entitled ''The Deficit Floats Up and Away.'' It says:

> Having done its utmost to choke back the revenue flow into the Treasury, the Bush administration offered a running tab on this year's exploding budget deficit yesterday. To hear the casual patter of White House aides about the deficit, one would think it was pocket change. In fact, the shortfall has ballooned 50 percent in just five months.

Is anybody paying attention? The shortfall increased, according to the administration's own assessments, by 50 percent in just 5 months.

They have been wrong every step of the way. Every single assertion by this administration about the effect of their economic plan and their fiscal plan has been wrong, and not wrong by small amounts but by massive amounts.

They told us 2 years ago, when they put this plan in place, that we would be having surpluses now, not deficits. Instead, we not only have deficits, we have the biggest deficits in the history of the country and next year is going to be worse. That is their own projection, and they have not even counted in the cost of the war in Iraq. Oh, they put it in for this year, but nothing for next year.

Does anybody seriously believe we are going to be done with the operations in Iraq by October 1 of this year? Apparently the administration does because they have not put one dime in their budget for operations in Iraq next year. That is just irresponsible, wildly irresponsible.

The result is we are going to have deficits that are going to be so large, they will be unlike anything we have ever seen before. Remember, this is the sweet spot. Because not only are they taking money from the Medicare trust fund, they are going to take more than $160 billion from the Social Security trust fund next year. They aren't counting that. They don't want to talk about that.

The President said, when he brought his plan forward 2 years ago, he could fully protect Social Security. You know what we see now—he is not protecting it at all. He is not only going to

take every penny of Social Security surplus this year, he is going to take every penny of Social Security surplus next year, every penny the next year, every penny the next year, every penny the next year—virtually every penny for the next 10 years. This is a course that is a disaster. It is time for people to stand up and speak out and face up to this fiscal disaster.

I thank my colleagues and yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Westbury, NY. On September 19, 2001, a 42-year-old man was charged with a bias crime after assaulting a gas-station attendant. Police reported that the victim was punched in the head by the assailant after he had questioned the attendant about his ethnicity.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE TEN WORST ''BAD APPLE'' GUN DEALERS IN AMERICA

Mr. LEVIN. Mr. President, earlier this week, the Brady Campaign to Prevent Gun Violence released a report entitled ''The Ten Worst Bad Apple Gun Dealers in America.'' This report analyzed national crime gun trace data from 1989 through 1996 gathered by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives and identified the 10 gun dealers who sold the most crime guns and exhibited sales patterns that ATF considers to be indicative of gun trafficking. According to the Brady Campaign, most gun dealers are never associated with illegal activities, but guns sold by these 10 dealers turn up in the wrong hands over and over again.

According to the report, one dealer in Indianapolis, IN, sold 398 guns later used in crimes from 1989 through 1996. These guns were involved in at least 7 homicides, 12 assaults, and 2 robberies. In addition, the Brady campaign found that between October 2001 and January 2002, one man used two straw purchasers to buy 25 handguns from this dealer and then resold them on the streets of Chicago. Another trafficker used straw buyers to obtain 12 and 9 guns on two different occasions in 2002.

Another gun dealer identified in the Brady report, this one in West Milwaukee, WI, sold 554 guns later used in crimes. These guns were involved in at least 27 homicides, 101 assaults, and 9 robberies. From 1994 to 1996, 1 straw purchaser bought 10 guns from this dealer. Several of the weapons have been recovered from violent criminals, including a murderer, a rapist, an armed robber who later raped a woman at gunpoint, a man who shot at a police officer, and three juvenile shooting suspects.

The Brady report highlights the potential damage and abuse that just 10 bad apple dealers can cause. The Brady report reveals the disregard of a few in the gun industry for even basic self-regulation. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield negligent and reckless gun dealers from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the civil consequences of their actions.

INVESTIGATING PREWAR INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, for almost a week now the Senate has been debating the appropriations bill for the Department of Defense. Several amendments have been offered regarding the need to determine the accuracy of our pre-war intelligence and the use of that intelligence by the Executive—specifically, a reference in the President's State of the Union message that has now been acknowledged to be erroneous. I want to take a few minutes to comment on some of these continuing questions regarding the accuracy of pre-war intelligence which became a part of the public debate soon following the invasion of Iraq. I have worked with Chairman ROBERTS to find a bipartisan approach to reviewing these issues. On June 20 we reached agreement on the terms of reference for what was by then an ongoing inquiry. I had proposed a broader, more formal approach but after some discussion agreed to proceed with a structured review and see where the information led us.

The committee has been poring through the volumes of material provided by the intelligence community and interviewing relevant officials, and has held two closed hearings and one briefing.

But as this process has moved forward it has become increasing clear that a business as usual, oversight review is not going to be able to address our expanding appreciation of the scope of the problem. Every day brings new information, often from the press, which requires us to make sure that we have the right charter and organization for this inquiry.

Tuesday it was the story, reported in the Washington Post, that a four-star general was sent to Niger last year to inquire about the security of Niger's uranium. According to the article, the general said that he came away convinced that Niger's uranium stock was secure. Obviously, there is much to be learned about this. Why was he sent? What was his mission? Who was aware of the trip? And what happened to the general's report when he returned?

This revelation follows on the heels of a week of accusations, denials, admissions and recriminations among the senior members of the administration's national security team about who was responsible for language related to Iraqi uranium purchases appearing in the President's 2003 State of the Union speech. By week's end, Director Tenet had stepped forward to accept responsibility. His statement, however, raised many other questions about how this information was handled by those outside the intelligence community.

The credibility of the intelligence related to Iraq and Niger first came to public attention in March when the IAEA determined the documents supporting the charges to be fraudulent. I immediately asked Director Mueller to have the FBI investigate the counterintelligence implications of this revelation. Subsequently, Senator ROBERTS joined me in asking the Inspectors General at the CIA and State Department to investigate how this information was handled by the intelligence community.

These investigations, however, will answer only questions of how we came into possession of these documents and what the intelligence agencies did with them. They cannot, because of the reach of these investigative organizations, deal with the questions that have dominated the public debate in recent days. How did information, known to be dubious at best, find its way into the President's State of the Union speech? Who is responsible for inserting the information? Were reservations properly conveyed to senior officials? If not, why not? If so, why were those reservations not heeded?

It seems clear that the White House staff played a key role in this episode. Unless we follow the evidence wherever it leads, we will end up reporting to the American people only part of the story. And the Niger episode is just the first example of what we can expect as we get further into this process.

I am committed to a complete, bipartisan investigation that covers the full spectrum from collection to the analysis and use of prewar intelligence about Iraq. I believe that the Senate Intelligence Committee has the authority to conduct that investigation. But it has to be willing to use the full authority that the Senate has given it, or to ask the Senate if it needs any additional authority.

We should bite the bullet and authorize a formal investigation, explicitly state that it will examine the full range of activities concerning prewar intelligence—which includes the use of that intelligence—and provide for the

direction, organization and resources that will assure a complete and probing examination of all facts.

In short, it is now clear that this is not an ordinary oversight review but should be a full-fledged investigative effort, with a clear charter and with sufficient staffing and resources. We must do whatever is necessary to get to the bottom of this, and answer the fundamental questions of how intelligence was used to support this war.

ALGERIA EARTHQUAKE RESOLUTION

Mr. INHOFE. Mr. President, on May 21st of this year a devastating earthquake shook lives in Algeria and across the world. Two thousand two hundred people were killed, 10,000 were injured, and 200,000 more were left homeless. In response, support from the international community has been overwhelming. The United Nations Disaster Assessment and Coordination Team estimates that 85 international flights from 27 different countries landed in Algiers to assist in the emergency relief effort. Officials in Algeria state that more than 30,000 government workers and 10,000 military personnel were involved in relief activities. The United States alone has given over $1.3 million in assistance, providing blankets, tents, and medical supplies.

Furthermore I am pleased that many businesses from my home state of Oklahoma are now helping in the reconstruction. They will bring to Algeria the best resources and equipment available to help rebuild the fallen cities. LWPB Architects, Atkins-Benham Constructors and Terex Road Building Group are among the participating companies.

I am pleased to cosponsor this resolution by my colleague from Kansas that expresses our deepest sympathies for the victims of this tragedy. It is our hope that through this international partnership, Algeria will arise a stronger nation.

SIXTH CIRCUIT JUDICIAL NOMINEES

Mr. DURBIN. Mr. President, last week I came to the floor to object to the majority leader's attempt to file a discharge petition on four of President Bush's judicial nominees to the Sixth Circuit. I want to clarify the basis of my objection because my comment was taken out of context by the majority leader and Senator MCCONNELL yesterday on the Senate floor.

I said last week that the four nominees should not be moved out of the committee because they haven't yet had a hearing. That is indeed one basis for our objection. I am not aware of any judicial nominee who has been voted on without having a hearing—that is just not the way the judicial confirmation process works.

But I also said that I was objecting on behalf of Senators LEVIN and STABENOW, who have not returned the blue slips on these four nominees because they believe that President Clinton's nominees to the Sixth Circuit were unfairly denied hearings and votes. The Michigan Senators do not wish to proceed with President Bush's nominees until a fair and just resolution has been reached.

I think this is a valid argument. In the 1990s, the Republicans blocked 65 of President Clinton's judicial nominees many by home-State Senators who refused to return blue slips. I believe that this blockage was a coordinated attempt by Republicans to stall out the clock so that a Republican President might have the chance to fill those vacancies with right-wing ideologues after the 2000 election.

President Clinton nominated three people to the Sixth Circuit who were never given a hearing or a vote, including two people from Michigan. One of President Clinton's Michigan nominees, Helene White, waited 4 years and never received a hearing or vote. The other Michigan nominee, Kathleen McCree Lewis, waited 2 years and never received a hearing or a vote.

Why didn't these two highly qualified women ever receive a hearing or a vote? Because then-Michigan Senator Spencer Abraham didn't return their blue slips. Now the Bush White House is trying to reap the benefits of Senator Abraham's delay tactics.

The Republicans are ignoring the blue slip process today, but they honored the Blue Slip policy in the 1990s as if it were the gospel. Not once did a Clinton judicial nominee get confirmed if their blue slips were not returned. Here is what the Judiciary Committee Chair, Senator HATCH, said on the Senate Floor in October 1999:

> After a fair and thorough review in committee and after paying the deference to the President to obtain a vote on the floor, I consider the position of a nominee's home State Senators. These Senators are in a unique position to evaluate whether a nominee instills the confidence in the people of a State necessary to be a successful Federal judge in that State. . . . Thus, there has developed a general custom and practice of my giving weight to the Senators from a nominee's home State. . . . When the President has not adequately consulted with the Senate, it takes longer to gain the consensus necessary to move the nominee. And when both home State Senators of a nominee oppose a nominee on the floor of the Senate, it is almost impossible to vote for the confirmation of that nominee.

Senator HATCH summed it all up in an interview he gave with NPR in 1997. He said: ''The policy is that if a Senator returns a negative blue slip, that person's gonna be dead.''

Now that the shoe is on the other foot, the Republicans have backed away from the blue slip policy because they have a higher mission: packing the courts with right-wing ideologues.

Not since President Roosevelt's Court-packing plan in 1937 has this country seen a President who has played politics with the courts the way President Bush has. Over the past 2 years, he has nominated some of the most ideologically driven people in the Nation to important judgeships.

They advocate extreme positions that would turn back the clock on women's rights, gay rights, workers' rights, consumer protection, and environmental protection.

Maybe President Bush has selected these people because he wants to pacify the far right wing of his party. Or maybe he truly shares their extreme beliefs.

The bottom line is this: the Republicans are changing the rules for their own partisan gain. They are violating two longstanding principles with the Michigan nominees: 1. not honoring the blue slip process that they so zealously honored when the shoe was on the other foot, and 2. not honoring the Judiciary Committee confirmation process by attempting to confirm these nominees without giving them hearings or a committee vote.

There is an easy resolution to the problem that the Republicans have created. As Senator STABENOW said earlier today on the Senate floor, she and Senator LEVIN have made numerous proposals—including the creation of a bipartisan selection commission like Wisconsin's—to select Michigan's judicial nominees. Unfortunately, the White House has rejected these very reasonable proposals.

I hope that the Bush White House will reconsider its position and work with the Michigan Senators to ensure justice and fairness for the people of Michigan.

In the meantime, it is not appropriate to have hearings on the Michigan nominees.

One final note: The debate over the Michigan nominees should not overshadow the fact that the Senate has confirmed the vast majority of President Bush's nominees. To date, we have confirmed 139 of his judicial appointments 134 to Article III courts, and 5 to the Article I Court of Federal Claims. We have held up just two nominees.

So the score is 139 to 2.

Democrats are accused of being obstructionist, yet we have confirmed so many of President Bush's judges that we now have the lowest judicial vacancy rate in 13 years.

PRESCRIPTION DRUG AND MEDICARE IMPROVEMENT ACT

PHYSICIAN REFERRALS

Mr. KOHL. Section 453 of S. 1, the Prescription Drug and Medicare Improvement Act, makes changes to current law regarding physician referrals to hospitals in which they have an ownership or investment interest. I would like to engage in a colloquy with my distinguished colleagues, Mr. FEINGOLD and Mr. BAUCUS, the Ranking Member of the Senate Finance Committee, related to the ''exception'' language included in the bill.

Specifically, I would like to know whether the ''exception'' language is

applicable to The Wisconsin Heart Hospital, a hospital which is currently under construction in the state of Wisconsin. This facility is scheduled to open in January of 2004.

My understanding is that this provision will not apply to facilities which are ''under development'' as of June 12, 2003. The following is a summary of the status of the development of The Wisconsin Heart Hospital:

One, architectural plans for the hospital have been completed.

Two, construction of the facility is approximately 55 percent to 60 percent complete as of June 12, 2003. This estimate can be supported by invoices for materials, labor and planning, as well as the timeline for completion dictated by the projected opening date of the hospital. Furthermore, more than $13.3 million in construction costs have been expended.

Three, all applicable zoning requirements have been satisfied by local governing authorities and can be supported by documentation. In addition, The Wisconsin Heart Hospital has committed $260,000 to improve the fresh water supply to surrounding community, unrelated to the hospital construction.

Four, State and local building approval processes are ongoing. The facility is subject to monthly inspections by state and local officials.

Five, nearly $20 million in equipment purchases and/or vendor contract commitments can be documented by officials from the facility.

Six, medical staff bylaws, policies and procedures have been adopted by The Wisconsin Heart Hospital Board.

Seven, all equity funding has been received. In excess of $35 million in temporary debt financing has been secured for the facility. Of that $35 million, approximately $10 million has been borrowed; the remaining $25 million will be borrowed prior to the end of 2003. Permanent bond financing for the facility has already been initiated and is expected to be secured by November 2003. This permanent bond financing will be used to replace the temporary financing referred to above, as well as to provide additional financing for the facility.

Based on the information stated above, is it your understanding that the ''exception'' language would apply to The Wisconsin Heart Hospital?

Mr. BAUCUS. Yes, it was clearly not the intent of the Senate Finance Committee in adopting this amendment to apply the prohibition to specialty hospitals that already exist nor was it the intent of the Committee to apply the prohibition to those facilities which, meeting specified criteria, are under construction currently.

Mr. KOHL. Additionally, the language of the bill specifically states that in determining whether a hospital is ''under development as of June 12, 2003, the Secretary shall consider whether . . . necessary approvals from appropriate state agencies have been received.'' You are probably aware that laws in many states, including Wisconsin, prohibit hospitals from receiving a license to operate from relevant state agencies until the facility is structurally complete and fully capable of operating as a hospital. Would you please clarify the Committee's intent with respect to this potential licensure issue for hospitals which are already under development

Mr. BAUCUS. The committee certainly understands that many states will not license a hospital as operational until the facility is constructed. I believe the committee's intent was to ensure that approvals with respect to the construction of the hospital (i.e., building permits, etc.) have been secured by June 12, 2003. The lack of a license to operate would certainly not prohibit a hospital, which is deemed to be ''under development,'' from the purpose of the statute.

Mr. FEINGOLD. Furthermore, is it the Senator's understanding that for facilities falling under the ''Exception'' provision, language speaking to the number of ''beds'' would relate to the number of beds a facility currently under development expects to license upon completion? When fully operational, The Wisconsin Heart Hospital will operate a maximum of 52 inpatient beds. State regulation requires the facility to be open and operational before any beds can be licensed.

Mr. BAUCUS. Yes, again, in adopting the amendment, it was the understanding of the Senate Finance Committee members that this provision would not apply to facilities which, provided they meet certain criteria, are already under development.

Mr. KOHL. I thank my distinguished colleagues for the clarification.

ADDITIONAL STATEMENTS

SAIL SAN FRANCISCO

● Mrs. BOXER. Mr. President, I want to express my support for Sail San Francisco—a nonprofit organization that provides a range of services to visiting international tall ships and training ships.

These services, which include docking, technical assistance, and hospitality, were formerly provided by the U.S. Navy in the Bay Area. In the wake of the base closure process, this assistance is no longer available. Over the past several months, Sail San Francisco has coordinated with foreign consulates to facilitate the visit of several foreign navies, playing a valuable role that is filled by the U.S. Navy at other ports throughout the country.

It is my hope that when the fiscal year 2004 Defense appropriations bill is considered in conference, it is possible to provide $800,000 for Sail San Francisco's naval/tall ships education programs.●

OREGON HEALTH CARE HERO

● Mr. SMITH. Mr. President, I rise today to salute Ms. Janice Kane, an outstanding health care worker from my home State of Oregon. Ms. Kane is a model for all registered nurses, not just in the state of Oregon, but across the country. Her commitment to serving Oregonians is a shining example to us all.

Like many in her field, Ms. Kane has gone above and beyond the call of duty to help patients in need. In addition to healing broken bodies, she has also worked to support the spirits of those in pain. Over the past two years, Ms. Kane has sewn over 6,000 multi-colored pillows to help comfort patients at the Good Samaritan Regional Medical Center in Corvallis.

However, Ms. Kane's benevolence is not limited to Oregonians; she recently offered boxes of pillows to soldiers wounded in Operation Iraqi Freedom. Her gift to our country's soldiers is one of immeasurable value. By offering her time and talent to this cause, Ms. Kane has helped remind American soldiers abroad that their sacrifices are not being forgotten at home.

Despite the hardships currently facing the nursing profession, Ms. Kane has not failed in her drive to serve those in need. All states are experiencing an increasing shortage of health care workers, and particularly, of nurses. Last year, the Senate passed the Nurse Reinvestment Act to better recruit and retain nurses. Nevertheless, we can and should do more. Our country's health care system needs more people like Ms. Kane, and we should do everything in our power to ensure that we support America's nurses.

I salute Janice Kane for her exceptional work as a registered nurse and wish to dignify her contribution to our great state and to our nation by naming her an Oregon Health Care Hero.●

IN RECOGNITION OF THE 100TH ANNIVERSARY OF SAINT HEDWIG CATHOLIC CHURCH

● Mr. LEVIN. Mr. President, it is my great pleasure to congratulate an outstanding and historic church from my home State of Michigan. This year, Saint Hedwig Catholic Church, located in southwest Detroit, is celebrating its centennial anniversary.

Saint Hedwig Catholic Church grew out of a flourishing Polish neighborhood in 1903 and has continued to serve those in the community ever since. Over the course of the next 100 years, the church supported a school, a convent, and many civic organizations. The church community provided a safe haven of support for many Polish immigrants as they fled Europe during the first half of the twentieth century—a time when war ravaged the continent. During the mid-1950s, Saint Hedwig was one of the largest Polish-speaking parishes in the United States. Weekly services were delivered to 1,500 families and the church's school population grew to nearly 3,000 students.

Today, the church and rectory still stand at the corner of Junction and St.

Hedwig Streets. The beautiful stained glass, statues, murals, and facade are a tribute to the history of the church as well as southwest Detroit. Saint Hedwig continues to serve people outside the congregation by maintaining a food pantry for low-income families and homeless members of the community. The church also holds special events throughout the year such as a giving tree at Christmas and baby showers for expectant mothers with low incomes.

The church has survived the effects of the Great Depression, disease, and urban sprawl because of the faith and dedication of its members. The service provided by the members of Saint Hedwig has been invaluable to the Detroit community and is worthy of recognition. I know my Senate colleagues will join me in congratulating Saint Hedwig Catholic Church and wish its members continued luck as they celebrate their 100th anniversary.●

UNIVERSITY OF SOUTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES CENTER FOR DISABILITIES CELEBRATES 30 YEARS

● Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate the University of South Dakota School of Medicine and Health Sciences Center for Disabilities in Vermillion, SD, which will hold its 30th anniversary celebration on Wednesday, July 30, 2003.

Started in September 1973, as the Developmental Disabilities Evaluation Center, the Center for Disabilities has a long and distinguished history of providing training, service, information, and research not only to South Dakota, but to the entire region. My wife Barbara served on the DDEC staff during those initial years. Thirty years later, the school continues to serve those needs of South Dakota through current projects, such as the Autism and Related Disorders Program, Birth to 3 Connections, Cheyenne River Reservation Rural Health Outreach Project, Deaf-Blind Program, Dietetic Internship, and the Upper Midwest Public Health Training Center. The Center for Disabilities is also working with other States to provide service in projects such as the Four-State Consortium on Studies in the Prevention of Fetal Alcohol Syndrome/Fetal Alcohol Effect and the Upper Midwest Public Health Training Center.

Over the last 30 years, the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided quality services to the people of South Dakota. Their goal, which is to ''work with others to create opportunities that improve the lives of persons with disabilities and those they consider their families,'' has been demonstrated through the citizens with whom they have worked. Those ideals have also been carried out by the students who have graduated and gone on to excel in their careers.

Not only has this center encouraged learning and research, but the University of South Dakota School of Medicine and Health Sciences Center for Disabilities also strives to bring together communities. Indeed, one of the core functions of the center is community education. The Center works to provide training and assistance, not only to individuals with disabilities and their families, but also to professionals, paraprofessionals, policymakers, students, and any member of the community who chooses to get involved.

I want to acknowledge Executive Director Judy Struck, Director of Research Amy Elliott, Director of Services and Supports Matthew Hocks, Director of Community Education and Population Studies Roland Loudenburg, Director of Information and Resources Heather Stettnichs, and Director of Academic Training Joanne Wounded Head for the guidance and support they provide to the Center and all who work with it. I would also like to take this opportunity to recognize the project and program staff at the Center: Missy Bailey, Mark Boyd, Stephanie Brown, Mary Fitzpatrick, Sherry Lafferty, Teresa Nold, Ellisa Nyberg, Susan Parr, Mary Mikkelson Peterson, Cheryl Raysby-Park, Dennis Stevens, Brittany Schmidt, Tracy Stephens, Kimberly Butler, Pam Anderson, Gregg Drube, Rolad Ellis, and Dan Korves. Finally, I would like to recognize the hard work of support staff members: Jaime Larson, Kristen Blaschke, Jennifer Gaspars, Paula Koller, LaVita Logue, Misty Miller, Jeanette Smolik, Elizabeth Fox, and Alana Richards.

I am proud to have this opportunity to honor the University of South Dakota School of Medicine and Health Sciences Center for Disabilities for its 30 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to education and research the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

THE PASSING OF EDUCATOR EUGENE GILMER

● Mr. LEVIN. Mr. President, I rise to extend condolences to the family and friends of the late Eugene Gilmer. Although many of you did not know Mr. Gilmer personally, he was a longstanding member of the Detroit education and political community, and his life touched many.

Eugene Gilmer's distinguished career started overseas, where he served as a member of the United States Army during World War II, part of which was in Okinawa. Following the war, he earned a Bachelor's degree in political science from Xavier University of Louisiana. He then moved to Detroit where he earned a Master's degree in education from Wayne State University.

After earning his Master's degree, he gained his first job as a teacher at Sampson Elementary School where, 6 years later, he was promoted to the position of assistant principal. He later became principal of Fitzgerald Elementary School, where he is credited for making significant strides in improving the educational quality of that formerly troubled school. He went on to become superintendent of personnel for the Detroit Public Schools. When he retired from that position in 1985, he concluded his tenure of 35 years in the Detroit education system.

In his spare time, Eugene Gilmer served as the first African-American chairman of the Fisher Branch YMCA, and he was active in the National Association for the Advancement of Colored People, the National Alliance of Black School Educators, the Palmer Park Police Community Relations Committee and Kappa Alpha Psi, his social fraternity. He became known in the Detroit community for his involvement with the development of the International Afro-American Museum, a precursor to the current Charles H. Wright Museum of African-American History. He served as chairman of the board of directors of the museum when it was dedicated in 1993.

Eugene Gilmer provided lasting contributions to the City of Detroit, and his death will be mourned. I invite my Senate colleagues to join me in remembering the life of this commendable citizen.●

HONORING THE LIFE OF CHESTERFIELD SMITH OF MIAMI, FLORIDA

● Mr. NELSON of Florida. Mr. President, I rise today to express sadness at the passing of a legendary Floridian. Yesterday evening, Chesterfield Smith, one of the Nation's great attorneys, passed away in Coral Gables.

Recognized by many as the conscience of the legal profession, Chesterfield's accomplishments are almost too numerous to count. A World War II veteran, founder of one of the country's most prestigious law firms and an accomplished litigator, he dedicated himself to his family and his country.

He is probably best known on the national scene for his tenure as president of the American Bar Association during the Watergate scandal. Following the dismissal of special prosecutor Archibald Cox, Chesterfield courageously stood up to the President of the United States, publicly calling on Congress to reestablish the Office of Special Prosecutor.

Smith's brave and bold reminder that the ''No man is above the law'' altered the course of public debate during that difficult time.

That bravery carried over to his private practice as well. Chesterfield believed in individual accomplishment

and personal responsibility. A fierce civil rights advocate who opposed segregation in the Old South, he aggressively challenged the color barrier by making his law firm a model of diversity.

Chesterfield always led by example, but also challenged others in his profession to get involved. He encouraged his colleagues to ''be somebody'' in their communities. His passion and commitment to bettering our society influenced an entire generation of attorneys.

Supreme Court Justice Ginsberg described him perfectly when she said of Chesterfield. ''He has devoted his extraordinary talent and energy to the improvement of the legal profession, to making the profession more honorable, more responsive to the people law and lawyers serve. She went on, ''He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA.''

I send my condolences to his family and friends on this sad day. His death is a grievous loss to the entire country. He will be greatly missed.

I ask that an obituary chronicling Mr. Smith's life be printed in the RECORD.

The obituary follows.

CHESTERFIELD SMITH, INTERNATIONAL LAW FIRM FOUNDER AND OUTSPOKEN ABA PRESIDENT DURING NIXON-ERA, DIES AT 85

SMITH'S ''NO MAN IS ABOVE THE LAW'' WAS TURNING POINT IN PUBLIC CALL TO INVESTIGATE PRESIDENT NIXON

Chesterfield Smith, 85, of Miami, one of the country's most prominent figures in modern law and often called ''the conscience of the legal profession,'' died today at Doctors Hospital in Coral Gables, Florida.

Smith was the founder and chairman emeritus of Holland & Knight LLP, the country's eighth largest law firm. During his 55 year career, Smith was a major force in American law and politics, humbling the mightiest and giving a voice to the common.

Smith served as president of the American Bar Association (ABA) from 1973–1974 and was best known as the daring leader who made the first public call to investigate President Richard M. Nixon during the Watergate scandal. His simple and direct rationale: ''No man is above the law'' appeared on the front page of major American newspapers following the infamous Watergate ''Saturday Night Massacre,'' October 20, 1973.

AMERICA'S LAWYER

In a country that is cynical and, at times, even disdainful of lawyers, Chesterfield Smith maintained a positive vision of what lawyers could be, using his own success as an example. He believed that lawyers must have an ''unselfish involvement in essential public service'' and encouraged his colleagues to ''be somebody'' in their communities.

The word restraint had no place in Smith's life. Known for his candid and sometimes brutally honest speeches, he loved nothing more than giving a rousing speech to stir up audiences.

''We are not a trade association. We are not a union,'' he once told a group of law students about the ABA. ''We are out to improve justice and its administration of society. If you don't intend to work to improve the quality of justice, then I hope you flunk your exams.''

Smith grew up in Arcadia, a small town in central Florida. He fought in World War II from 1940–1945, earning a Bronze star. He graduated from the University of Florida Law School in 1946.

After graduation, Smith returned to Arcadia and soon joined the firm of Treadwell and Treadwell. A year and a half later, he joined the firm of Holland, Bevis and McRae in nearby Bartow. He made partner in record time by capably representing Florida's booming phosphate industry. His law firm subsequently engineered a merger with the prominent Tampa firm, Knight, Jones, Whitaker and Germany in 1968. The new firm became Holland & Knight, named for founders of both firms, and became a dominant firm in Florida.

By 1965, Smith was fully immersed in the legal profession and state politics. He was elected president of the Florida Bar and chairman of the Florida Constitutional Revision Commission. In the late 1960's, his work on the Commission brought an end to the ''Pork Chop Gang,'' a group of powerful rural Florida legislators who, for years, controlled the state government by malapportionment.

THE VOICE OF THE PEOPLE

Chesterfield Smith served as president of the ABA during one of the most turbulent and unsettling years in American politics, 1973–1974. In the midst of the Watergate scandal, Nixon and his advisors were convinced that they could avoid handing over the Oval Office tapes and fire special prosecutor Archibald Cox without public backlash. It would take Smith's words, ''No man is above the law'', a large voice from a significant source, to alter public discourse towards impeachment.

Amid the Controversy, Smith publicly urged Congress to re-estblish the office of special prosecutor. Undaunted by wide criticism, he led the ABA in an effort to authorize an independent counsel to investigate President Nixon. Another former leader of the ABA, Leon Jaworski, was appointed. He vigorously prosecuted the case against Nixon, culminating in appeals to the Supreme Court. In the end, Nixon felt compelled to resign.

PROMOTING EQUAL JUSTICE FOR ALL

Chesterfield Smith exhibited amazing clarity in a complex era in the 1960's. With this clarity came the courage and ability to recognize and embrace societal change. Unconcerned about the contrary opinions of others, he often spoke out against racial discrimination. And, despite growing up in the segregationist South Smith was one of the first to recruit minorities. Under his leadership, Holland & Knight became a model of diversity.

Chesterfield Smith strongly believed in the responsibility of individuals to take action in the civic and charitable life of their communities. Today his firm is recognized for community service efforts and extensive pro-bono legal work.

In 2002, Supreme Court Justice Ruth Bader Ginsberg presented Smith with the Laurie D. Zelon Pro Bono Award in a formal ceremony conducted in the Great Hall of the United States Supreme Court.

During the ceremony Ginsburg, praised his life-long contributions to the legal profession and his leadership in creating a firm dedicated to public service.

''He has devoted his extraordinary talent and enormous energy to the improvement of the legal profession—to making the profession more honorable, more responsive to the people law and lawyers serve'' Ginsberg said. ''He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA.''

He is survived by his wife of 16 years, Jacqueline Allee, and two children, Chesterfield Jr. and daughter Rhoda Smith Kibler, both of Tallahassee, Florida.●

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 MONDAY, JULY 21, 2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. Monday, July 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day and the Senate then begin a period of morning business until 1:30 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will reconvene on Monday. Under the order entered earlier, the Senate will begin consideration of the Homeland Security appropriations bill during Monday's session. Again, no rollcall votes will occur but it is hoped that Senators will be present to debate and offer amendments.

Next week we will complete the Homeland Security appropriations and continue to work through other appropriations bills as available.

I, once again, commend Senator STEVENS for his tremendous efforts over the last 2 weeks. As mentioned earlier, with tonight's vote, we have now passed 3 of the 13 appropriations bills. We have a lot of work to do during the remaining 2 scheduled weeks prior to our August recess. I have announced on many previous occasions that the Senate will spend the last week prior to

the recess on the Energy bill. I encourage Members who intend to offer amendments to the bill to notify the chairman and the ranking member prior to that last week.

I mentioned this morning and want to mention again that I will continue to try to reach an agreement for the filing of those amendments. Members have had an adequate time to draft and file those amendments.

Again, we started this bill in the Senate on May 6. Therefore, I will continue to try to reach that consent agreement with the other side of the aisle, the agreement to have a filing deadline for the amendments.

I do wish all a restful weekend. I look forward to our continuation of the appropriations process next week.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JULY 21, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Monday, July 21, 2003, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 2003:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

GWENDOLYN BROWN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ARNOLD GREGORY HOLZ, RESIGNED.

DEPARTMENT OF THE TREASURY

SUSAN C. SCHWAB, OF MARYLAND, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE KENNETH W. DAM, RESIGNED.

DEPARTMENT OF STATE

GEORGE H. WALKER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 17, 2003:

THE JUDICIARY

ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO JONATHAN GOODMAN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Jonathan Goodman of the San Diego Hebrew Day School.

Jonathan is the Grand Champion of the grades 4/5 Greater San Diego 24 Challenge® Math Program. I want to applaud him for his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second- through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Jonathan's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

CONGRATULATIONS JOYCEL SAN AGUSTIN OF LAS PALMAS ELEMENTARY SCHOOL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Joycel San Agustin of Las Palmas Elementary School.

Joycel is the Grand Champion of the grade 6 Greater San Diego 24 Challenge® Math Program. I want to applaud his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second- through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Joycel's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

AMERICAN'S CONCERN OVER THE STATE OF THE UNION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CONYERS. Mr. Speaker, I would like to add the following remarks and article to the extension of remarks in today's CONGRESSIONAL RECORD:

Mr. Speaker, for some time I have felt this administration has been leading our country down an unwise and potentially dangerous path. David S. Broder's Washington Post editorial, from Tuesday, July 15, 2003, underscores that a growing segment of our nation is likewise concerned with the direction which the Administration has taken this country.

[From the Washington Post, July 15, 2003]

BLACK THURSDAY FOR BUSH

(By David S. Broder)

If President Bush is not reelected, we may look back on last Thursday, July 10, 2003, as the day the shadow of defeat first crossed his political horizon. To be sure, Bush looks strong. The CBS News poll released that evening had his approval rating at 60 percent, with solid support from his own party, a 26-point lead among independents and a near-even split among Democrats. Two-thirds of those surveyed could not name a single one of the nine Democrats vying for the right to oppose him.

But ''The CBS Evening News'' that night was like Karl Rove's worst nightmare, and the other network newscasts—still the main source of information for a large number of Americans—were not much better.

The headlines announced by John Roberts, substituting for Dan Rather on CBS, were: ''President Bush's false claim about Iraqi weapons; he made it despite a CIA warning the intelligence was bad. More Americans say U.S. is losing control of Iraq. Also tonight, food lines in America; they're back and getting longer.''

Brian Williams, filling in for Tom Brokaw on NBC, began: ''War zone. Two more Americans dead in Iraq, and now the general who led the war says the troops could be there four more years.''

Peter Jennings on ABC gave the administration a break, opening the broadcast with this: ''The secretary of state says there was no attempt to deceive the American people about the case for war in Iraq.'' But then Jennings described Colin Powell's news conference as ''damage control,'' an effort to explain ''why the president used some false information in his State of the Union address to justify attacking Iraq.''

All of them—and cable news—cited the dissonant voices from within the administration blaming one another for Bush's use of a report, which the CIA had long since discredited, claiming that Iraq tried to buy uranium for a nuclear weapons program from the African country of Niger.

Even after CIA Director George Tenet tried to take responsibility for the foul-up, the White House faces a credibility gap that reaches down into the non-discovery of the weapons of mass destruction Bush and his top associates said Saddam Hussein was amassing to threaten the United States.

And the doubts don't stop there. Two and a half months after Bush proclaimed victory in Iraq—''mission accomplished''—CBS reported that only 45 percent of the public now believes the United States is in control of events there. On the question of credibility regarding weapons of mass destruction, 56 percent say Bush administration officials were hiding important elements of what they knew or were outright lying.

The next day a Washington Post-ABC News poll reported that while Bush's approval score was still at a healthy 59 percent, there had been a 9-point drop in less than three weeks both in his overall rating and on the question of confidence in his handling of Iraq. Ominously, the poll found a dramatic reversal in public tolerance of continuing casualties, with a majority saying for the first time that the losses are unacceptable when weighed against the goals of the war.

Eight out of 10 in the Post-ABC poll said they were very or somewhat concerned that the United States ''will get bogged down in a long and costly peacekeeping mission.'' And this was before the networks showed Gen. Tommy Franks telling Congress the troops would be in Iraq for years.

If Iraq looks increasingly worrisome on TV and in the polls, the economy is even worse. CBS found jobs and the economy dwarfing every other issue, cited by almost four times as many people as cited Iraq or the war on terrorism. On that black Thursday for the administration, first-time unemployment claims pushed the number of Americans on jobless relief to the highest level in 20 years.

And the most troubling pictures on any of the three broadcasts were those of a line of cars, stretching out of sight down a flat two-lane road in Logan, Ohio—jobless and struggling families waiting for the twice-a-month distribution of free food by the local office of America's Second Harvest. The head of the agency said, ''We are seeing a new phenomenon: Last year's food bank donors are now this year's food bank clients.'' Said CBS reporter Cynthia Bowers, ''You could call it a line of the times, because in a growing number of American communities these days, making ends meet means waiting for a handout.''

Some may say, ''Well, it's one day's news,'' or dismiss it all as media bias. But that does not dissolve the shadow that now hangs over Bush's bright hopes for a second term.

INTRODUCING THE EARNED INCOME TAX CREDIT PUBLIC AWARENESS CAMPAIGN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Earned Income Tax Credit Public Awareness Campaign Act.

The Federal Earned Income Tax Credit, or EITC, provides Federal tax deductions for the working poor. In 2001, the Earned Income Tax Credit provided over $30 billion in tax relief to 18.5 million low-income taxpayers. In fact, the EITC is the second largest program after Medicaid that provides assistance to low-income individuals combating poverty. Data from the U.S. Census Bureau Current Population Survey indicates that in 1999 the EITC assisted 4.7 million people, including 2.6 million children of low-income workers, rise above the poverty line.

However, each year, between 15 and 25 percent of those who are eligible to receive the EITC fail to claim their credit, either because they are unaware of it or cannot obtain the assistance they may need to properly complete the appropriate tax return. Lack of education, language barriers, fear or intimidation, limited financial resources, and unawareness of the credit all contribute to low-income families and individuals not taking advantage of this tax relief. This is a disgrace and a clear disservice to America's working poor.

In south Florida, the number of individuals and families not claiming the EITC is staggering. In Miami-Dade County, FL, alone, it is estimated that more than $200 million worth of the EITC goes unclaimed annually by about 120,000 low-income families living in the County. At the same time, approximately 85,000 eligible families living in Broward County annually do not claim more than 99 million dollars worth of the EITC.

While Broward and Miami-Dade Counties have each committed themselves to educating taxpayers of the EITC and increasing the number of those claiming it, their resources are limited. Many large cities throughout the country are taking similar efforts to increase the number of taxpayers who are eligible to claim the EITC actually claiming the credit, but as is the case with Broward and Miami-Dade Counties, limited man-power and insufficient financial resources are road blocks to expanded outreach and ultimate increases in the number of those claiming the credit.

The Earned Income Tax Credit Public Awareness Campaign Act establishes a national campaign to raise awareness and increase education about the EITC. Housed in the Internal Revenue Service, the campaign will target low-income individuals, students, single parents, limited English speaking individuals, transient workers, and military personnel, all of whom are statistically the most likely to qualify for the EITC. The bill requires that the campaign contain an education component, as well as an awareness program.

Additionally, my bill establishes a national grant program that states can participate in to conduct their own statewide EITC public awareness campaigns. To receive a grant, a state is required to provide matching funds.

The bill authorizes $15 million annually for the next 10 years to implement the program, and between 25 percent and 50 percent of the funds appropriated are required to be spent on the state grant program.

The IRS has long criticized Americans who claim the EITC but are not actually eligible to receive the credit. The agency's recent announcement to audit nearly 4 million of the 19 million individuals and families who claimed the credit in 2003 is as shocking as it is disturbing.

At a time that Congress continues to cut taxes for the wealthy, it is appropriate for the body to also consider ways to expand outreach and education about this underutilized, but extremely beneficial, tax credit.The EITC, if used properly and to its fullest potential, can be a critical tool in the war against poverty, and my bill does just that.

I ask my colleagues to support this measure, and I urge the leadership to bring it to the floor for consideration swiftly.

HONORING GEORGE EDWIN CHAVEZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. NAPOLITANO. Mr. Speaker, I rise with great sadness today to honor the life and enormous civic contributions of my dear friend, George Edwin Chavez, who passed away from a heart attack on June 14 at the age of 66. George was a longtime resident of Whittier, California, passionate civic activist and generous friend to many.

Although he never graduated from high school, George Chavez was an inspiration to many by starting several business ventures before forming C.A.S.T. Security, Inc., in 1987, serving as its President and CEO until his death. The company provided location security services to the motion picture industry, and through the company Chavez was instrumental in introducing youth and minorities to opportunities within the motion picture industry. Chavez was the first Hispanic to do security work for the movie industry and hired countless youngsters.

While Mr. Chavez's business successes are certainly impressive, his civic contributions to the community show his true character. He was a founding member of the National Association of Latino Elected Officials (NALEO). He also served as a Field Representative for former Congressman Mathew G. Martinez and worked with the University of Southern California's School of Social Work to increase political involvement and interest among Hispanics.

Health issues and youth development were two of George Chavez's key priorities. He served on the California Board of Medical Quality Assurance and the East Los Angeles Health Task Force. He received special recognition from ″Familia Unida Living with Multiple Sclerosis″ for his work and contributions to assisting families and individuals living with Multiple Sclerosis. He also served on the boards of the Family School Community Partnership, Salesian Boys and Girls Club and Los Padrinos. Through C.A.S.T. Security, Inc., he also sponsored several youth softball teams.

Mr. Chavez is survived by his four daughters, Mary, Adela, Georgina, and Trisha, eight grandchildren, Richard, George, Natalie, Desiree, Christopher, Adrian, Victor, and Jasmine, and countless friends whose lives were touched by his work and service. My sincerest condolences and prayers to his beloved family and extended family. We will all miss him greatly.

FOR FREEDOM IN SOUTH ASIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. TOWNS. Mr. Speaker, I rise today to offer somewhat belated congratulations to the Sikh Nation on Vaisakhi Day, the anniversary of the creation of the Khalsa Panth, which occurred in April. This is a very important day in the Sikh calendar, the birthday of the Khalsa Panth.

The Khalsa Panth was created in a spirit of freedom, and this is reflected in their daily prayers in which they pray for the freedom of the Sikh Nation and the well being of all people. This freedom is an essential yearning of the human spirit and all people are entitled to freedom. Yet merely for trying to be free, the Sikhs have been oppressed by the Indian government, which has murdered more than 250,000 of them since 1984.

Against this backdrop, the Sikh Nation declared its independence on October 7, 1987, creating the new country of Khalistan. This was in a Sikh tradition of self-rule. From 1765 to 1849 Sikh ruled Punjab. They ran an inclusive government, with Hindus, Muslims, and others in high positions.

Now their dreams of freedom are being crushed by the force of 500,000 Indian troops while the Indian government tries to set up Hindutva—total Hindu domination of every aspect of the political, social, and cultural life of India, South Asia, and the people living there. One Indian Cabinet member was quoted as saying that everyone who lives in India must either be Hindu or be subservient to Hindus.

The Council of Khalistan, which leads the Sikh Nation's struggle to free its homeland, Khalistan, from Indian oppression, issued an excellent statement calling on Sikhs worldwide to use the occasion of the Sikh Nation's birthday to rededicate themselves to achieving freedom for the Sikhs in a sovereign, independent Khalistan. I would like to join in that call, Mr. Speaker. It is time to bring true freedom and democracy to South Asia. In addition, a free and sovereign Khalistan will be an American ally in the subcontinent.

We should declare our support for freedom for Khalistan and for all the other nations of South Asia that seek their freedom. And we should back this up by stopping aid to India until it learns the ways of democracy and self-determination for all peoples and nations. This is the most effective way that America, the bastion of freedom, can stand up for freedom for the oppressed peoples of South Asia.

Mr. Speaker, I would like to place the Council of Khalistan's open letter on Vaisakhi Day into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, April 14, 2003.

VAISAKHI MESSAGE TO THE SIKH NATION

Congratulations to the Khalsa Panth on Vaisakhi Day—In Grieb Sikhin Ko Deon Patshahi; Guru Gave Sovereignty to Sikh Nation, Sikh Nation Must Free Khalistan; Without Political Power, Nations Perish

DEAR KHALSA JI: WAHEGURU JIKAKHALSA, WAHEGURUJI KIATEH!

Happy Vaisakhi Day to you and your family, friends, and the Sangat. 304 years ago, Guru Gobind Singh Sahib established the Khalsa Panth, as desired by Almighty God. The Guru also gave sovereignty to the Sikh Nation. That is the reason that Sikhs always recite ''Raj Kare Ga Khalsa.''

Sikhs established a sovereign, independent Sikh state under the leadership of Banda Singh Bahadur from 1710 to 1716, then under the Sikh missals from 1765 until 1799 when Maharajah Ranjit Singh established Khalsa Raj in Punjab, which lasted until 1849 when the British conquered the subcontinent.

India is not a single nation. It is on the verge of disintegration. Multinational states like India historically have been doomed to disintegrate, as Austria-Hungary, the Soviet Union, Czechoslovakia, and Yugoslavia have shown us. The Sikh Nation must do its best to establish Khalsa Raj as soon as possible. The political situation in the world is very fluid today. The Kashmir problem must be resolved through self-determination, which is the essence of democracy. As soon as Kashmir goes, India will disintegrate, as L.K. Advani forecast.

Outside Sikhs have played and must continue to play an important role in the present struggle for an independent Khalistan. They have exposed Indian government violations of basic human rights of Sikhs and other minorities. They have internationalized the Sikh struggle for an independent Khalistan. They have also preserved Sikh history by documenting major events since 1984 in the Congressional Record.

Three million Sikhs live outside of India. They constitute a major political force in many democratic countries, including the United Kingdom, the United States, Canada, and others. I appeal to all Sikhs to get involved in the political process to preserve their interests in their home countries. Secure the help of political parties and officials to help free Khalistan and to preserve Sikh interests in your respective countries and also to help protect the Sikhs back in Punjab, Khalistan. Every Sikh must become a citizen of the country where he or she lives and become part of the political process. Only by beconung politically active will Sikhs be able to achieve our objectives of a free Khalistan and preserve our interests in our adopted countries.

The next generations of Sikhs are citizens of these adopted countries. They were born there and they are going to stay. They must play a very constructive role in the political, social, and economic life of the country. Make sure that our children are very well educated. There should not be any Sikh child, boy or girl, who does not have at least an undergraduate university degree. Make sure that your sons and your daughters are well educated. Make sure they get the best education that they can. Only by educating our women will we secure a better future for the Sikh Nation and for our coming generations.

Remember that the Sikh Nation must free our Sikh homeland, Punjab, Khalistan. Without political power nations perish. It is essential for the survival of the Sikh Nation.

Colonial rule was better for everyone in India except the Brahmins than Indian rule is. We have been victimized by repression, tyranny, discrimination, and other abuses of our basic, god-given rights. India has used genocide, murder, torture, rape, and everything in its arsenal to destroy the Sikh Nation. It has even blown up its own airliner to blame it on the Sikhs, as the book Soft Target, written by two Canadian journalists, proves beyond a doubt. They paid former Punjab governor Surendra Nath $1.5 billion to foment and support terrorism in Punjab and Kashmir.

The present Sikh leadership is dishonest, corrupt, and completely under Indian control. They are complicit in the crimes of the Indian regime. The book Chakravyuh: Web of Indian Secularism by Professor Gurtej Singh shows their complicity. They connived with the Indian government before the Golden Temple invasion to murder Sant Jarnail Singh Bhindranwale, General Shabeg Singh, and thousands of other good Sikhs who were working for Sikh freedom. The Indian government has murdered over 250,000 Sikhs since 1984. The death sentence given to Professor Devinder Pal Singh Bhullar based on a false confession is the latest example of India's effort to eliminate the Sikh religion and intimidate the Sikh Nation.

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Yet Chief Minister Amarinder Singh denies that there are any political prisoners at all. Have they murdered them all? The Indian regime paid over 41,000 cash bounties to police officers for killing Sikhs, according to a 1994 report from the U.S. State Department. Will the Indian government publish the names of those Sikhs who were murdered by those police officials to get rewards? On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution.

The Sikh nation has awakened. I call on all Sikhs to support the Khalsa Panchayat. These good Sikhs forced Jathedar Manjit Singh of Kesgarh to resign. Now Jathedar Vedanti must resign along with him. Please help the Khalsa Panchayat in these efforts. And work to build a party that will lead a Shantmai Morcha to liberate our homeland, Khalistan, from Indian occupation. Just as the Akalis took control from the Mahants of the last century, we must take control of our future from the new Mahants, the present Akali leadership and Indian-controlled Jathedars. We must liberate our homeland.

Only in a free Khalistan will the Sikh Nation prosper.Only then will the Sikh Nation get justice. India must start acting like a democracy and allow self-determination in the form of a free and fair plebiscite on independence for Punjab, Khalistan and the other nations seeking their freedom from India. Let us join hands to secure our freedom, for future generations and ourselves.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

TRIBUTE TO THE SEVENTH MICHIGAN VOLUNTEER INFANTRY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the Seventh Michigan Volunteer Infantry for their courageous efforts in the Civil War that aided in the preservation of the Union, especially at Fredericksburg, Virginia.

In December of 1862, during the battle of Fredericksburg, the Union faced fierce opposition on the Rappahannock River and was forced to send men across the river to secure the Union's position. Members of the Seventh Michigan Volunteer Infantry from Ingham County were among the daring men who risked their lives that cold December day. Under heavy fire, the Seventh Infantry paddled across the river and successfully flushed Confederate riflemen from their shelter. Their bravery is forever remembered in Michigan's state anthem, ''My Michigan, My Michigan.''

More than 140 years later, on December 11, 2003, the Seventh Michigan Volunteer Infantry is being honored with a monument that is to be placed in Fredericksburg, Virginia. This monument is to remember the bold and daring efforts put forth by the Seventh Infantry throughout the Civil War. Their efforts held this nation together amidst a time of national divide and struggle.

The Seventh Michigan Volunteer Infantry has earned this place in our nation's history. In such a pivotal moment, the Seventh Infantry demonstrated bravery, determination and patriotism. They made their home state and their nation proud.

Mr. Speaker, I wish to extend the gratitude of myself and the entire nation to the Seventh Michigan Volunteer Infantry for their courage in the battle of Fredericksburg. I ask my colleagues to join me in recognizing their place in history and their part in restoring the Union.

TRIBUTE TO MR. MARVIN BARRISH

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments and contributions of Mr. Marvin Barrish. It is a privilege to recognize a person whose personal triumph over injury pales in comparison to his triumphs for the disabled community.

Mr. Barrish is a former owner of five Center City newsstands and a former distinguished dancer whose talent led to an appearance in the movie ''Rocky II''. Tragically, in 1980, Mr. Barrish was shot in the back, paralyzing him from the waist down. He endured months of therapy only to concede to his inability to ever walk again.

Regardless of this physical setback, Marvin Barrish was determined to continue living abundantly and vivaciously. He underwent a grueling training regiment in order to compete in the 16-mile ″Walk-a-thon″ for the March of Dimes. He also appeared at the Philadelphia First Union Spectrum for the half time show of the Villanova-Georgetown game where he performed his ''heel chair rockin.'' Now his appearances cover a broad range of benefit performances for Philadelphia Children's Hospital, Shriners' Hospital, The Special Olympics, The United Cerebral Palsy Foundation, and the United Negro College Fund, just to name a few.

He has, accordingly, been acknowledged for his contributions to the community by both the

Senate and the House of Representatives of the Commonwealth of Pennsylvania. His struggle and determination to overcome his personal inhibition is an inspiration to all.

It is my honor to recognize a person whose dedication to the handicapped and other wise disabled has enriched the lives of countless individuals in both my district and the state of Pennsylvania. I hope that all of my distinguished colleagues will join me in honoring Mr. Marvin Barrish.

INTRODUCTION OF THE AUTHOR, CONSUMER, AND COPYRIGHT OWNER PROTECTION AND SECURITY ACT OF 2003

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CONYERS. Mr. Speaker, I am pleased to announce the introduction of the ''Author, Consumer, and Copyright Owner Protection and Security Act of 2003.'' I am introducing this bill with my colleagues Reps. HOWARD BERMAN (D-CA), MARTIN T. MEEHAN (D-MA), ROBERT WEXLER (D-FL), ANTHONY WEINER (D-NY), and ADAM SCHIFF (D-CA) to address the growing problem that has been created by the theft of digital content.

As we all know, the copyright industries (music, movies, books, and software, just to name a few) are this country's crown jewel. They are the only sector of the American economy that has provided a positive trade balance; according to ''Copyright Industries in the U.S. Economy: The 2002 Report'' by the International Intellectual Property Alliance, these industries achieved foreign sales and exports of $88.97 billion. It goes without saying that our content is a valuable resource.

Unfortunately, the same technologies that have enhanced our lives and globalized trade also have made it possible to obtain digital content for free. Those who invest so much into developing software, books, music, and movies and rely upon sales of that content are being deprived of their livelihoods because people are taking advantage of the Internet to obtain and share digital content for free. The same technology that enhanced the lives of so many is harming the lives of people whose work we value so much.

While there are laws on the books that protect copyrighted content from theft, they do not go quite far enough. Despite court decisions ordering various file swapping sites to shut down, new file-swapping programs and new file-swapping sites appear every day on the Internet, each one better than its predecessor. These sites do not develop their own content; instead, they rely upon the success and popularity of content created by others and allow that content to be distributed to millions with the single click of a mouse. These sites also create security and privacy risks, in that they open up entire the hard drives average consumers for the world to see, financial and personal information included.

That is why we have introduced this legislation. Modest in approach, the bill proposes several initiatives that would give consumers, law enforcement, and content creators control over how their computers and their content are being used. Below is a section-by-section analysis of the bill that explains its various provisions:

SECTION-BY-SECTION ANALYSIS OF THE ''AUTHOR, CONSUMER, AND COMPUTER OWNER PROTECTION AND SECURITY ACT OF 2003''

TITLE I: INCREASED DOMESTIC ENFORCEMENT EFFORTS

SEC. 101. AUTHORIZED APPROPRIATIONS. Authorizes the appropriation of not less than $15 million for criminal copyright enforcement for fiscal year 2004.

SEC. 102. NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL. Requires NIPLECC to develop guidelines to ensure that its component members share amongst themselves law enforcement information related to infringement of U.S. copyrighted works.

SEC. 103. INCREASED CRIMINAL COPYRIGHT REPORTS. Requires the Attorney General to submit biannual, instead of annual, reports on criminal copyright cases.

TITLE II: INCREASED INTERNATIONAL ENFORCEMENT EFFORTS

SECTION 201. INFORMATION SHARING. Requires the Attorney General to provide to a foreign authority evidence to assist such authority—(1) in determining whether a person has violated any of the copyright laws administered or enforced by the foreign authority, or (2) in enforcing such foreign copyright laws. Information to be provided includes: evidence obtained pursuant to criminal complaints or to investigations of violations of sections 2318, 2319, 2319A, and 2320 of title 17, United States Code that explains, analyzes, or describes (1) the nature of the violation; (2) the technological means through which violation of the copyright law has occurred; (3) the identity and location of the person who has committed such violation; and (4) the estimated financial loss caused by the violation. Excludes from disclosure any grand jury or national security information.

TITLE III: ANTI-PIRACY TOOLS

SEC. 301. Clarifies that the uploading of a single copyrighted work to a publicly accessible computer network meets the 10 copy, $2,500 threshold for felonious copyright infringement.

SEC. 302. Requires online distributors of file-swapping software to give conspicuous notice to, and receive specific consent from, the downloader of that software if such software enables third parties to use the downloader's computer as a supernode or to store data, or if such software creates security or privacy risks.

SEC. 303. FRAUDULENT DOMAIN NAME REGISTRATION (H.R. 4640 from 107th): Makes it a Federal criminal offense to knowingly and with intent to defraud provide material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name. The penalty is a fine, imprisonment for not more than 5 years, or both.

SEC. 304. Makes it a Federal criminal offense to, without authorization, camcord a movie in a theater.

SEC. 305. Directs courts to consider the knowing and intentional provision of material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name as evidence of willfulness with regard to copyright infringements committed by the domain name registrant through the use of that domain name.

I hope to work with my colleagues and interested parties on this legislation as we move forward on this important issue.

MS. WHEELCHAIR FLORIDA 2003—COURTNEY SANTIAGO

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize a young woman from Ft. Lauderdale, Florida, Courtney Santiago. Ms. Santiago is 23 years old and is Ms. Wheelchair Florida 2003.

Courtney suffers with Reflex Sympathetic Dystrophy Syndrome, which rendered her a semi-quadriplegic at the age of 15. Reflex Sympathetic Dystrophy Syndrome is a chronic condition characterized by severe burning pain and pathological changes in bone and skin. It is unique, in that it simultaneously affects the nerves, skin, muscles, blood vessels and bones. Its cause is unknown and affects nearly 1.5 million persons in the U.S.

Despite what would be viewed by most as a limitation, she is a stellar student with a 4.0 grade point average and enjoys swimming, racing and flying. Courtney endeavors to become a doctor and later this month Ms. Wheelchair America.

Courtney has transcended the definition of disabled and speaks on behalf of the ''able—disabled'' everywhere.

I urge the Members of this great body to join by saluting this truly spirited young woman.

HONORING PRIVATE FIRST CLASS JOSE F. GONZALEZ-RODRIGUEZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. NAPOLITANO. Mr. Speaker, it is with immense pride and profound sadness in my heart that I rise today to honor Private First Class Jose F. Gonzalez-Rodriguez, a 19-year-old U.S. marine from Norwalk, California, who was killed on May 12, 2003, while serving our nation in Iraq. Private Gonzalez-Rodriguez made the ultimate sacrifice for our great country, and for this I am deeply grateful. I offer my sincerest condolences to the family members, friends and loved ones that Private Gonzalez-Rodriguez left behind and trust that they take comfort in knowing the extraordinary service that Private Gonzalez-Rodriguez provided for us all.

Private Gonzalez-Rodriguez was born in Mexico and graduated from John Glenn High School in Norwalk, California in 2001. During his high school academic career, he was an honor student and maintained a 3.4 grade point average. While he placed great value upon his studies, he was also a well-rounded student who played third base for the John Glenn Eagles baseball team, never missing a practice or game and always wearing his cap. Teachers and fellow classmates will always remember his dedication to his family, his academics and his team, as well as his tremendous school spirit.

In addition to being a talented athlete and student, Gonzalez-Rodriguez was very well liked by his peers and led an active social life. He rarely missed a school event and was

often the first person out on the dance floor at school dances. Although he initially seemed to be a very shy, quiet young man, those who knew him spoke highly of his sense of humor. He was famous for the humorous pranks he would play on his baseball teammates.

Private Gonzalez-Rodriguez joined the Marines on August 8, 2001, just months after his high school graduation. He was assigned to the First Supply Battalion, First Force Service Support Group, based in Camp Pendleton. He was sent to Iraq and died in a tragic incident when an ordnance he was handling unexpectedly exploded.

Private First Class Jose F. Gonzalez-Rodriguez was a true patriot and exceptional American who will be greatly missed. His loved ones are in my prayers.

NAGAS OPEN OFFICE IN D.C. TO FIGHT FOR FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. TOWNS. Mr. Speaker, as you know, there are many national groups fighting for their freedom from India. We have been following the struggles of the Sikhs to free their homeland of Khalistan for many years thanks to the tireless efforts of Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. Now another of the minority nations that seeks freedom from India has opened an office to represent its interests in Washington, D.C. The people of Nagaland are now represented in a Washington office.

I am happy to see the Nagas open a Washington office. I would like to take this opportunity to congratulate them. Nagaland is predominantly Christian and the Nagas have suffered under Indian oppression for many years. India has murdered over 200,000 Nagas since 1947. They are a separate nation and people from predominantly Hindu India, but they are victims of India's ongoing efforts to establish fundamentalist Hindu hegemony over the entire subcontinent.

Nagaland is entitled to freedom. Freedom is the birthright of all peoples and nations. The essence of democracy is the right to self-determination and this right has been denied to the people of Nagaland just as it has been denied to the people of the Sikh homeland, Punjab, Khalistan, to the Kashmiri people, and to so many other nations living under the boot of Indian repression. It is time for India to start acting like the democracy it claims to be and settling these matters in a peaceful, democratic manner rather than trying to suppress the people and their natural ambitions by force.

The leaders of Nagaland have tried to establish their freedom peacefully through negotiations, but the Indian government has been unwilling to discuss independence with Nagaland. However, they finally recognized the Nagas as a separate people. This is the first step toward the independence of the Naga nation. Democratic India wishes to retain the right to continue repressing the minorities living under its rule.

That is why the opening of an office representing the freedom struggle of Nagaland is so important, Mr. Speaker. The Sikhs have had such an office for a long time, and the Kashmiris have also. The more information that can be put out about the brutal, repressive nature of the Indian government, the more success all of the movements for freedom will have. This will also be a significant boost for basic human rights throughout India, where Assamese, Bodos, Dalits (the dark-skinned aboriginal people of South Asia), Manipuris, Tamils, and so many others are being oppressed and killed for struggling for their freedom.

We can help in this effort. It is time to stop American aid to India until it respects basic human rights and to declare our support for the freedom of Nagaland, Khalistan, Kashmir, and all the oppressed nations of South Asia.

Mr. Speaker, I would like to insert a list of persecution of minorities in India into the RECORD at this time for the information of my colleagues.

PERSECUTION OF MINORITIES IN INDIA

CHRISTIANS

Over 200,000 Christians in Nagaland have been murdered by the Indian government.

Since Christmas 1998, Christians have been the favored target of Indian religious persecution.

American missionary Joseph Cooper was expelled from India for preaching after he was beaten so severely he had to be hospitalized for a week.

Gujarat, Tamil Nadu, and other states have recently passed laws banning conversion to any religion except Hinduism.

Recently in Gujarat the government has been conducting a survey of Christians, asking how long they have been Christians, how long they have been in India, citizenship, and other intrusive questions.

Hindu Nationalists associated with the parent organization of the ruling party have murdered several priests.

Several nuns have been murdered.

A nun named Sister Ruby was forced to drink her captors' urine.

Hindu nationalists have burned churches.

Christian schools and prayer halls have been attacked.

Missionary Graham Staines and his two sons were burned to death while sleeping in their jeep by Hindu nationalists who chanted ''Victory to Hannuman,'' a Hindu god.

A Christian religious festival was broken up by police gunfire.

SIKHS

Indian police have murdered over 250,000 Sikhs since 1984.

52,268 Sikhs are rotting in Indian jails as political prisoners without charge or trial. Some have been there since 1984.

The U.S. State Department reported that the Indian government paid over 41,000 cash bounties to police officers for killing Sikhs. One of these was awarded to a police officer who killed a three-year-old boy.

In 1984, the Indian government attacked Sikhism's most sacred shrine, the Golden Temple, and 38 other Gurdwaras throughout Punjab, killing 20,000 Sikhs.

Human-rights activist Jaswant Singh Khalra was killed in police custody after he exposed India's policy of secret cremations of Sikhs.

Over 50,000 Sikhs have ''disappeared'' after they were picked up by the police. They were tortured, secretly cremated, then declared ''unidentified bodies'' and secretly cremated.

The Indian government paid the late governor of Punjab, Surendra Nath, over $1.5 billion to generate and support terrorism in Punjab and Kashmir.

Indian forces were caught red-handed trying to set fire to a Gurdwara and some Sikh homes in a village in Kashmir. Sikh and Muslim villagers overwhelmed them and stopped them.

Indian forces carried out the March 2000 massacre of 35 Sikhs in Chithisinghpora, according to two independent studies.

Over 20,000 Sikhs were murdered by the government in the Delhi massacres of Sikhs while police, on orders, stood by and did nothing.

The Jathedar of the Akal Takht, Gurdev Singh Kaunke, was murdered by the police.

The driver for Baba Charan Singh, a religious leader, was killed when his legs were tied to two jeeps that drove off in opposite directions.

MUSLIMS

2,000 to 5,000 Muslims were murdered in Gujarat last March.

The police stood aside and let the murders happen. They had no orders to stop it.

According to the Hindustan Times, the government pre-planned that massacre.

Over 85,000 Muslims in Kashmir have been murdered by Indian forces.

Hindu nationalists destroyed the most revered mosque in India, the Babri Mosque in Ayodhya, to build a Hindu temple.

India has not kept the promise it made in 1948 to hold a plebiscite on the future of Kashmir.

OTHERS

A Dalit girl was blinded by her teacher after she drank water from the community pitcher.

A Dalit constable went into a temple to take shelter on a rainy day and was stoned to death by the Brahmins in attendance.

TRIBUTE TO MAJOR JAMES ''CHOCKS'' EWALD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Major James ''Chocks'' Ewald of the Michigan National Guard for his courageous acts of bravery during Operation Iraqi Freedom.

Major James Ewald has been serving his country since 1989 when he entered the Air Force. In July of 1998, Major Ewald joined the Michigan Air National Guard and has continued to fly contingency operations all over the world, including Bosnia, Korea, and Iraq. As a recent graduate of the United States Air Force Fighter Weapons School, Major Ewald has significant knowledge and experience in flying.

On April 8, 2003, Major Ewald flew over Baghdad on an intelligence mission for Operation Iraqi Freedom. During the mission, Major Ewald's aircraft was struck by a surface-to-air missile. Miracously, Major Ewald was able to gather important intelligence, continue flying his damaged aircraft while notifying U.S. forces about his position, and prepare for a safe ejection and rescue. The bravery and determination of Major James ''Chocks'' Ewald are to be applauded and commended.

Major Ewald has demonstrated true patriotism and loyalty to America. His service to his country will never be forgotten, and we can all be grateful for the sacrifices Major Ewald has made to protect our precious freedoms.

Mr. Speaker, I wish to extend the gratitude of myself and the entire nation to Major James ''Chocks'' Ewald for his service to this nation.

I ask my colleagues to join me in recognizing the heroic acts Major Ewald has performed while serving his country in Operation Iraqi Freedom.

CONGRATULATIONS BEN WENDEL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Ben Wendel of Stanley Middle School. Ben is the Grand Champion of the grades 7/8 Greater San Diego 24 Challenge® Math Program. I want to applaud him for his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second-through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Ben's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

HONORING U.S. MARINE SPC. PAUL T. NAKAMURA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. NAPOLITANO. Mr. Speaker, I rise to honor the extraordinary life and patriotism of 21-year-old U.S. Marine Spc. Paul T. Nakamura of Santa Fe Springs, California. A brave soldier, he was killed in the line of duty in Iraq on Thursday, June 19 when a rocket-propelled grenade hit the military ambulance in which he was tending to a wounded American soldier. Nakamura joined the Army Reserves because he loved our country and was so proud to be an American. He has provided tremendous service and has made the ultimate sacrifice for his beloved country.

A graduate of Santa Fe High School, Nakamura was a passionate swimmer. He worked as a lifeguard and swimming instructor at the Santa Fe Springs Aquatic Center since he was 17 and belonged to the high school water polo team. Nakamura was also a boy scout and Junior Olympian who earned the respect and friendship of many in his community.

Nakamura's closest friends included the members of his Boy Scout troop and his younger sister, Pearl, with whom he spent countless hours swimming, bowling and shooting pool. Among his close friends and family members, Nakamura was known as a daredevil, particularly when he was a child. If something was dangerous or frowned upon by adults, Paul Nakamura would want to try it. Once when camping with his Boy Scout troop, he and several of his friends rode their bikes down a steep hill. The other boys pressed on their brakes to slow down, but Paul sped down the hill full speed ahead.

Assigned to the 437th Medical Company based in Colorado Springs, Marine Spc. Nakamura was deployed to the Middle East in February. The last time he spoke to his family was on Father's Day. He continually reassured his family of his safety, and they knew he did not want them to worry. But knowing that their son always put others before himself, Nakamura's parents, Paul and Yoko, did worry about his safety. They remain extremely proud of him, knowing that he died helping others.

His family misses him greatly. Nakamura's father, a veteran of the Korean war, gave his departing son his old Army dog tags and told him to bring them home safely. Sadly, Paul Nakamura will never be able to do this. My prayers and deepest condolences are with the Nakamura family and his loved ones left behind.

HOUSE CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS ON HOW TO WIN THE PEACE IN IRAQ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a Resolution that is similar to an amendment that passed unanimously in the Senate last week. My Resolution encourages the President to reach out to our allies in NATO, the United Nations, and the Organization for the Prohibition of Chemical Weapons (OPCW) for help in post-war Iraq. I believe that we can achieve our goals in Iraq, but not without the full cooperation of the international community.

My Resolution urges the President to do two things.

First, consider requesting assistance from NATO to raise a force for post-war Iraq similar to Afghanistan, Bosnia, and Kosovo. Even though some NATO members, Great Britain, Spain, Italy and Poland, are already contributing troops to our effort in Iraq, American troops make up 90 percent of coalition forces.

And second, consider calling on the United Nations member states to provide both military forces and civilian police to aid in promoting stability and security in post-war Iraq. Conditions in Iraq continue to pose a serious threat to U.S. and coalition forces, who are being attacked between 10 and 25 times a day. Increasing the number of troops and police from other countries will reduce the risks to U.S. and coalition forces currently in Iraq. International armed forces and police must assume some of the responsibilities for maintaining law and order in Iraq while a domestic police force and reformed military is trained and established. Pentagon officials estimate that it will take a year to train one division of 12,000 Iraqi troops.

My Resolution also calls on the Organization for the Prohibition of Chemical Weapons, along with other international and nongovernmental organizations to provide assistance to the coalition partnership in Iraq.

Mr. Speaker, it's time to move past any negative feelings concerning countries that opposed our attempts to secure a U.N. endorsement for the war. We must repair our strained relations with our allies. We will only be successful in post-war Iraq, and in the global war on terrorism, if we restore our relationships with these nations.

Our ultimate goal for the Iraqi people is a multi-ethnic, multi-religious Arab state that is capable of self-rule. This goal can only be achieved with the help and support of the vast global community.

Mr. Speaker, United States and coalition forces managed to liberate Iraq in a mere 3 weeks, and I would certainly be remiss if I did not take the opportunity to commend those brave men and women for their efforts to date. However, the goals we have set, from restoring critical infrastructure, to establishing an interim government, to maintaining law and order in Iraq, simply cannot be achieved alone. We've won the war, now we have to win the peace.

TRIBUTE TO THE 28th ANNUAL NAACP ARMED SERVICES AND VETERANS' AFFAIRS AWARDS DINNER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to commend the NAACP for its perseverance in ensuring equity and justice for all men and women of color who have served and are currently serving in defense of this nation. The rich history of African-American participation in the United States military is as long as the existence of the principles of this great country.

It is a history that extends back to the Revolutionary War when Crispus Attucks, an enslaved person of African descent, was the first to die while confronting British soldiers in the Boston Massacre. It is a history where the road was not always clear but was most certainly filled with the obstacles of bigotry and stereotypes. Collective organization yielded the NAACP—a beacon of hope for equal protection under the law, and a tireless advocate for the advancement of African-Americans and all people of color.

Since its inception in 1909, the NAACP has maintained an impeccable track record with regards to its ability to confront issues involving civil rights. As early as 1917, the NAACP exerted pressure on the War Department to establish a training camp that resulted in the commissioning of more than 1,300 black officers during World War I. The NAACP has led a consistent and unwavering effort to provide equal opportunity to African Americans in the military.

The 28th Anniversary of the Armed Services and Veterans' Affairs Awards Dinner is a culminating event in that it recognizes those consistent and unwavering efforts by awarding individuals within the Department of Defense who have made significant contributions to promoting equal opportunity and civil rights. This combination, challenging discriminatory

treatment and rewarding contributions of equal opportunity, provides a balance that creates trust and integrity between the leaders of the NAACP and the Department of Defense. The working partnership of the NAACP and the Department of Defense ensures that the flame of freedom for all people regardless of color continues to burn.

It is a privilege to recognize the efforts of an organization whose mission is to ensure that people of color are afforded equal access to opportunity. I would ask that you and all of my distinguished colleagues join me in the celebration of this 28th Anniversary of the NAACP Annual Armed Services and Veterans Affairs Military Awards Dinner.

CONGRATULATIONS TO TODD KIMZEY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Todd Kimzey of Loma Elementary School.

Todd is the Grand Champion of the grades 4/5 Greater San Diego 24 Challenge® Math Program. I want to applaud him for his success.

The 24 Challenge® Math Program is an activity which helps young students learn how to add, subtract, multiply and divide. It has been used in more than one-hundred-thousand classrooms around the world to teach basic mathematics. Becoming the grand champion of such a competition is quite an accomplishment.

During the 2000–2001 school year, more than 640 elementary and middle school classrooms throughout San Diego County received 24® game materials to be used with second- through eighth-grade students. A U.S. Department of Education grant provided for 24 Game Mathematics Club kits to be sent to participating classrooms in San Diego County. The fruits of this small but worthy contribution can be seen in Todd's triumph.

I enjoyed meeting this young man and other competitors at this local program within my district. It is truly a pleasure to meet these bright students and their families.

HONORING JULIE M. AUSTIN, EXECUTIVE DIRECTOR, FOOTHILL TRANSIT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to pay special recognition to Ms. Julie M. Austin. On July 30, 2003, the Foothill Transit Executive Board will wish a fond farewell to Ms. Austin, who is leaving her position as Executive Director of Foothill Transit and Vice President of Transit Management for ATC/Forsythe & Associates, Inc., a post she has held since 1997.

As Executive Director, Ms. Austin has overall responsibility for implementing Executive Board policies, developing policy recommendations and providing leadership and vision for the nationally recognized Foothill Transit. Foothill Transit was created in 1988, in one of the largest public-private transit partnerships in the United States, and has delivered cost-effective, safe and efficient bus service to commuters and residents in the San Gabriel and Pomona Valleys, located in the eastern portion of Los Angeles County in southern California. Foothill Transit now operates on 32 routes with nearly 300 buses and almost 17 million annual boardings, a marked increase from the 9.5 million boardings at the time of the creation of the transit agency.

The American Public Transportation Association recognized Foothill Transit in 2001 with a ''Bus Safety Gold Award,'' dubbing Foothill the safest transit agency of its size. Foothill was also named ''Outstanding Transit System'' of its size by APTA in 1993 and 1995. The National Safety Council, Greater Los Angeles Chapter, recognized Foothill Transit in 1995, 1996, 1997, 1998 and 2001 with first-place awards for its safety programs.

Ms. Austin played a leadership role in the accomplishments of Foothill Transit, both as Executive Director and as Deputy Executive Director from 1995 to 1997. She also contributed to the success of public transit in Los Angeles County as Director of Management Support from 1993 to 1995 at the Los Angeles County Metropolitan Transportation Authority and as Senior Transit Analyst/Manager of Transportation Policy from 1989 to 1993 at the Los Angeles County Transportation Commission, where she oversaw a three-year evaluation of the Foothill Transit Zone. She also worked for the Southern California Association of Governments for three years and spent several years as a transportation consultant.

A resident of the City of Monrovia, California, Ms. Austin has a bachelor's degree in journalism from California Polytechnic State University, San Luis Obispo. She is active in the American Public Transit Association (Legislative Committee), California Transit Association (Executive Committee), San Gabriel Valley Commerce and Cities Consortium Board, Women's Transportation Seminar, San Gabriel Valley Council of Governments Transit Committee, and West Covina Chamber of Commerce.

I ask all Members of Congress to join me today in honoring this truly remarkable leader in the field of public transit in our region, in thanking for her efforts and in wishing her the best in her future endeavors.

EXTEND THE HMONG VETERANS' NATURALIZATION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation that would allow more Hmong refugees who served in conjunction with American soldiers during the Vietnam War to apply for citizenship with special consideration of their service to our country.

Between 1961 and 1975 Hmong soldiers gathered intelligence, conducted reconnaissance, and undertook other dangerous missions in support of American troops. Tens of thousands of Hmong died during the war and over 100,000 were forced to flee to refugee camps.

In 2000, under the leadership of the late Rep. Bruce Vento, Congress approved the Hmong Veterans' Naturalization Act, which provided an exemption from the English language requirement and special consideration on the civics test for those Hmong veterans and their spouses. Later that year, similar legislation was enacted granting the same benefits to widows of Hmong veterans.

Approximately 5,000 Hmong currently living in America took advantage of the Hmong Veteran's Naturalization Act and proudly became citizens. However, many veterans and their spouses missed the May 26, 2003 deadline and are now unable to apply for citizenship with the eased requirements. My legislation would extend that deadline by an additional 18 months in order to give every deserving veteran or surviving widow a chance to apply for citizenship.

Remembering the sacrifices that these brave men and women made while rescuing downed American pilots, serving in guerilla units, and in other operations in support of U.S. troops, we owe it to them to provide every opportunity to become American citizens.

I urge my colleagues to cosponsor this legislation.

HGTV

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. DUNCAN. Mr. Speaker, I am very proud that Home and Garden Television (HGTV), one of the Nation's fastest growing networks, is headquartered in my hometown, Knoxville, Tennessee.

HGTV is a really outstanding cable channel with a wide variety of programs.

Unlike some of the trash that is shown on other networks, the programs on HGTV are positive and helpful and encourage people to improve their lives and their communities.

Joshua Green, Editor of the Washington Monthly, has written a humorous but very complimentary article about HGTV in the July/August issue of his magazine.

I would like to call this article to the attention of my colleagues and other readers of the RECORD.

[From the Washington Monthly]

HOME SICK; THE ADDICTIVE ALLURE OF HOME AND GARDEN TELEVISION

(By Joshua Green)

Over the past two years, as the rest of the economy has gradually tanked, one sector has stubbornly resisted: the housing market. Despite layoffs, the weak dollar, the moribund stock market, and all other manner of economic calamity, house prices are climbing faster than George W. Bush's negative rating in Iraq. In fact, economists credit the housing market's continuing strength with keeping the country out of recession. Much like the ''wealth effect'' created by the late '90s stock boom, rising real-estate prices have made Americans feel rich enough to keep on spending amply, regardless of the overall economic climate. So the booming housing market is surely welcome news to most Americans—except those, like me, who

would like to actually buy a house and are extraordinarily piqued about this. If there were a Murphy's Law of Economic Collapse, it would hold that as jobs disappear and wages plummet, the price of your dream house will skyrocket.

Most economists attribute this phenomenon to historically low interest rates, which translate into extremely affordable mortgages. I have a different theory. I blame HGTV—the Home and Garden Television channel—one of the fastest-growing stations on cable and a certifiable cult phenomenon among many of my peers.

For the uninitiated, HGTV is one of those niche cable stations we all heard so much about back in the early '90s that sounded preposterous at the time—who'd watch round-the-clock gardening, remodeling, and house-hunting tips?—but seems perfectly reasonable today alongside the dozens of specialty channels devoted to cooking, pets, sci-fi, soaps, books, and—on my cable system—one click below the NASA channel, which on weekends broadcasts continuous footage of the earth rotating. (Really.) Since its 1994 launch, HGTV has grown from a tiny startup to a cable colossus that reaches nearly 80 million households in the United States alone, broadcasts its programs to viewers as far away as Latvia and Brunei, and is even available to U.S. service personnel in 175 countries and on board Navy ships. The idea of rugged naval aviators, fresh from sorties over Iraq or Afghanistan, choosing to unwind before Home and Garden Television's design and decorating tips is testament to the strange power this channel holds over its viewers.

THE HOME-SHOPPING NETWORK

At first blush, HGTV is a benign—even an edifying—form of entertainment that's centered on a can-do ethos for the current or expectant homeowner. Instead of patrician decorating tips, HGTV shows like ''Weekend Warriors'' champion a Calvinist work ethic in which determined homeowners charge headlong into demanding-but-reasonably-priced projects that typically leave them spent, but never broke, and with a spectacular new veranda or stunning hardwood floors to show for their efforts. There are shows about improving your home's appearance (''Curb Appeal''), tending to your home's yard (''Landscapers' Challenge''), decorating your home cheaply (''Design on a Dime'') or even more cheaply (''Designing Cents''), home-centric extreme-sports knockoffs (''Winter Gardener,'' ''Extreme Homes'') and others, like ''Help Around the House,'' that extol the life-enhancing practicalities of previously mundane tasks like caulking or grout work.

Many HGTV shows feature a subtle, battle-of-the-sexes leitmotif that adds to the intrigue, while reinforcing and pandering to its audience's prejudices in a way that surely boosts viewership. On the popular ''Designing for the Sexes,'' most men are of the hapless variety, puzzled as to why their wife is upset over the moose head they'd like to mount over the dining room table; most women display an alarming fondness for pink chenilles or French country style of doilies. Viewers therefore identify quickly, privately relieved to discover that their own situation isn't nearly as outlandish as they'd first imagined. They receive further encouragement from the show's denouement, which invariably features a designer or decorator of Christ-like patience who steps in to mollify the warring factions by curbing even the tackiest excesses and delivering a touch of class and taste that both can live with. This men-are-from-Mars-women-are-from-Venus format presents itself merely as decorating help. But the effect upon the addled participants—and viewers, too—is not unlike that of a good marriage counselor, convincing couples that any problem can be overcome, I believe it is no coincidence that HGTV is the one channel my fiancée and I can agree on. It accomplishes a feat previously thought to be impossible, bridging the chasm between ''Oprah'' and ''SportsCenter.''

Like any 24-hour-a-day cable station, not all of HGTV's programming is what one would consider to be of Emmy Award-winning caliber. I could do without a show called ''Simply Quilts.'' Certain others likewise seem best suited to the wee hours of the morning, such as ''Flea Market Finds with the Kovels'' (which could have been titled ''Shopping for Junk with Old People'') and ''Subterraneans,'' a recent promo for which encouraged viewers to tune in and ''meet unique people who make their home below the earth.''

But one show—the station's flagship—renders these others mere trivialities. ''House Hunters'' is the source of my own HGTV addiction and, the latest Nielsen ratings suggest, many others' as well. It is HGTV's highest-rated show—and, I'm convinced, the clue to the network's appeal.

The show's premise is a simple one. In each episode, a friendly realtor helpfully accompanies a pair of prospective homebuyers as they shop for a house or condominium. Cameras follow them from room to room, allowing the viewer to examine the various properties in what amounts to a vicarious trial run for the potential homebuyer. The first time I tuned in, a young newlywed couple wanted to move out of their cramped apartment and buy their first home but clearly had no idea what they were doing. These circumstances were reassuringly similar to my own. I watched with growing appreciation as the realtor listened patiently to their needs and then drove them to one beautiful house after another. If a house was too small, the realtor would smile and show them a larger one. If a house lacked a pool, the realtor would find them one that also had a jacuzzi. If a house was on a noisy street, the realtor would show them one in an area so remote it probably had not yet been mapped. And every visit was a leisurely, pressure-free stroll that seemed not only easy, but fun.

The young couple soon found a perfect home, conferred briefly with the realtor, and decided to place a bid on it. ''House Hunters'' cut to commercial. Despite having known them for just 22 minutes or so, I was transfixed, and found myself rooting vigorously for their bid to be accepted. When the show returned, our prayers—theirs and mine—were answered. As the couple sat emotionlessly in their worn rental, the phone rang. It was their realtor, with good news! I was privately impressed that HGTV had a camera crew on hand to document this happy occasion. The show ended by flashing forward several months to show the couple in joyously possession of their new home. I stole a glance at my fiancée—who looked exactly as she had at the end of Titanic—and immediately began looking forward to my own home-buying experience.

NO CHASE LIKE HOME

It did not dawn on me until after I'd embarked on my own search for a house how wildly fictional this portrayal had been. But I quickly discovered that it was fundamentally dishonest on several levels and bore no resemblance at all to my own night-marish experience.

To begin with, ''House Hunters'' promotes the fantasy that charming, spacious, reasonably priced homes are plentiful and always available in even the most desirable neighborhoods. Perhaps this is true in some distant corner of North Dakota where sprawl and gentrification have not yet driven up prices. but it is most certainly not the case in Washington, D.C., where I live, or in any surrounding suburb that I've been able to locate.

This shortage gives rise to another phenomenon that ''House Hunters'' does not acknowledge—the ''open house.'' These are the overly brief weekend showings in which sellers open their homes to potential buyers—but which in today's hot real estate market quickly come to resemble cattle calls of anxious couples who strenuously avoid making eye contact with you as they rush around sizing up the house and potential competitors for it. Nor does ''House Hunters'' accurately depict the mood and temperament of these people, who tend to look wild-eyed and tormented and would probably arouse concern among security personnel if transported to any other setting. In the open houses I've experienced, the naïfs who appear on ''House Hunters'' would be tramped and devoured like the herd weaklings in a pack of wildebeest on the Discovery Channel.

After awhile, once we had acclimated to these laws of the jungle, my fiancée and I found a cozy brick rowhouse that seemed perfect. As we elbowed past the other prospective buyers and walked from room to room, I felt that small shiver of excitement I had seemed to detect when couples on ''House Hunters'' had finally come upon the home they would buy. That evening we filled out a mountain of paper-work at our realtor's and submitted our bid. The next day I blew off work and sat expectantly by the phone about to be educated in yet another way in which ''House Hunters'' differs from reality. By this point I had become an avid fan of the show, but it had still never occurred to me that each episode's happy ending might not mirror reality. When my phone rang, I leapt for it. It was my realtor, who informed me that we had not gotten the house—that in fact 22 others had bid on it and driven the sale price more than $100,000 above what originally had been asked.

Soon after, I became well acquainted with the concept of the escalation clause, the inspections waiver, the failed bid, and generally competing like gladiators for any property deemed livable and available. I also realized that ''House Hunters'' is totally staged—the couple always gets the house they want, and the show's producers are probably wise to steer clear of markets like Washington, D.C., which would terrify viewers anyway and kill their ratings. I angrily swore off HGTV and the cheap fantasy it peddled, and sheepishly sought out my copy of Home Buying for Dummies.

ROOTING FOR THE HOME-BUYING TEAM

Yet, strangely, life without HGTV did not improve—at least not for the six days that I held out against watching it. Houses remained overpriced, realtors unscrupulous, buyers frenzied, and I was no closer to escaping my one-bedroom. I found myself longing for familiar comforts. In the end, the siren call of reasonably priced homes and pressure-free bidding that always has a fairy-tale ending proved too powerful to resist. I cracked a beer and submitted to the evening's ''House Hunters.''

Only then did I truly understand the lure of HGTV—of what it is that grips me, and my addict-friends, and all those naval aviators overseas who are stressing about the availability of three-bedroom colonials in neighborhoods with decent schools. It's not the reality television that HGTV pretends to be, but an escape from our own real-estate reality into a soothing world where things are different and better; a place to retreat to after those greedy sellers pass on your bid, where one will always find sustenance and

encouragement; it's what excites people to keep marching out and buying new homes.

My story has a happy ending, though not the type you're likely to see on HGTV. Several weeks after our initial bid fell through (it seemed like years) our excellent realtor Vince—who, incidentally, could eat the realtors on ''House Hunters'' for breakfast—found us the perfect home and shrewdly snuck us in before the open house, preempting a bidding war by submitting a take-it-or-leave-it offer that cut out the competition. (I expect Vince will be surprised to learn he's been nominated for a Congressional Medal of Honor.)

Impending homeownership has brought with it complicated new challenges, so I've turned to my wellspring of wisdom for guidance. I now possess a master gardener's understanding of landscaping, and I'm confident that I can parry most of the feminine-looking accoutrements with which my fiancée seems intent upon decorating our new home. In fact, there's only one area where I've come up empty. I've searched in vain for a show called ''Mortgage Hunters,'' but none seems to exist—perhaps there are aspects of home buying that even HGTV can't spin into fantasy.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. ISAKSON. Mr. Speaker, due to thunderstorms in Atlanta yesterday my plane was delayed and I missed the following votes: Roll call no. 354, roll call no. 355, roll call no. 356, and roll call no. 357. Had I been present I would have voted no on all of these votes.

FOREIGN COURT PRECEDENTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. BEREUTER. Mr. Speaker, this Member agrees with the sentiments expressed in a July 11, 2003, Omaha World-Herald editorial entitled ''Courting foreign ideas.'' In the recent Supreme Court decision overturning a Texas sodomy law (Lawrence v. Texas), the majority opinion written by Justice Anthony Kennedy cites a 1981 European Court of Human Rights decision as evidence that state sodomy laws are not founded in Western tradition.

Regardless of what one's position is on state sodomy laws, Supreme Court decisions should be (and, of course, generally are) based on the U.S. Constitution and U.S. legal precedent. This citation contributes to a damaging and dangerous precedent; this practice should end. While this Member is a long-time supporter of a strong transAtlantic relationship, European or other foreign court actions, laws or traditions should not be cited in U.S. court cases.

This Member requests that the Omaha World-Herald editorial be included in the CONGRESSIONAL RECORD.

[From the Omaha World-Herald, July 11, 2003]

COURTING FOREIGN IDEAS

The U.S. Supreme Court's decision in Lawrence vs. Texas has stirred political controversy, and not just for what it may or may not mean for gay marriage. Its reference to a European Court of Human Rights decision has spawned a furor over whether the justices will adopt foreign courts' views of individual liberties.

We welcomed the outcome of the case, which overturned a Texas sodomy law. But we're taken aback that a U.S. court, particularly the highest one, could so boldly open itself to foreign precedents.

Justice Anthony Kennedy, who wrote the majority opinion in the Texas case, cited the European courts 1981 decision as evidence that state sodomy laws are not founded in Western tradition.

Past U.S. laws and traditions are referenced heavily in many court decisions. American laws are certainly founded on the nation's Western heritage, especially that of the British legal system. But the U.S. Supreme Court is charged with upholding the U.S. Constitution and U.S. legal precedent.

In the 227 years of this nation's history, American laws and norms have developed apart from those of other nations, even those with similar concepts of liberty and rights. The death penalty and gun control are important issues on which U.S. and European laws, for instance, differ.

Are U.S. citizens now to be bound by other countries' laws and constitutions? Who will choose which countries' laws are fit and applicable and which are not? In his dissent to the Texas ruling, Justice Antonio Scalia. decried the foreign citation.

''Constitutional elements do not spring into existence . . . as the Court seems to believe, because foreign nations decriminalize conduct,'' Scalia wrote.

We agree. It's a course several justices seem inclined to pursue, unfortunately.

''Our Constitution and how it fits into the governing documents of other nations, I think, will be a challenge for the next generations,'' Justice Stephen Breyer said on a Sunday morning talk show.

Foreign laws and ideals that become broadly accepted by the U.S. populace certainly can be adopted into U.S. law—by their elected representatives, in Congress. That's a legislative function, not a judicial one. The guardians of our Constitution should know that and abide by it.

HONORING COLONEL LLOYD VERNON CAMP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to posthumously recognize Colonel Lloyd Vernon Camp for his years of distinguished service to his country. Lloyd recently passed away on Saturday, July 12th.

Colonel Camp is best remembered for his service with the U.S. Army. Lloyd entered the army during World War II. He received the Distinguished Service Cross and was nominated for the Congressional Medal of Honor. He later served in the Korean conflict and then joined the California Army National Guard. In 1991, Lloyd acted as a Liaison Officer for the families of the soldiers in California's Central Valley while the soldiers were serving in Operation Desert Storm.

Colonel Camp received numerous awards and honors for his more than 45 years of service. He received the medal of the Order of St. Maurice from the National Infantry Association. In 2002, Camp was inducted into the Officer Candidate Schools Hall of Fame where he was honored at a ceremony in Fort Benning, Georgia. Lloyd was a member of the Legion of Valor Museum in Fresno. A permanent plaque has been placed on a flag stand in front of the museum in his honor, and memorabilia from his career is currently on display.

Lloyd viewed life in this order: his love for God, his love for his family, and his love for his country. He is survived by his wife, Freida Camp, and his son, Rick Leetch.

Mr. Speaker, I rise today to recognize Colonel Lloyd Vernon Camp for his valor and commitment. I invite my colleagues to join me in posthumously honoring Lloyd Camp for his extraordinary service and years of dedication to his country.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CARTER. Mr. Speaker, during rollcall vote 322, the resolution to provide consideration of H.R. 1, the Medicare Prescription Drug and Modernization Act, I was unavoidably detained due to an urgent family matter. If I had been present, I would have voted ''yea.''

HONORING THE TOWN OF CUMBERLAND GAP, TN

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. WAMP. Mr. Speaker, I rise today to honor the historic town of Cumberland Gap, TN as they celebrate their 200th anniversary of postal service.

Cumberland Gap has long been a place of historic passage. In pre-Colonial America, the Gap served Native Americans as a pivotal crossing for their trading and hunting routes through the Appalachian Mountains. Later, Daniel Boone and his 29 ''axe men'' blazed a 208 mile trail into central Kentucky providing a route for pioneer families to travel west. During the Civil War, Cumberland Gap gained military significance, becoming known as the ''Gibraltar of America'' and the ''Keystone of the Confederacy.''

Today however, in the age of flight, travelers through Cumberland Gap come not to get through the mountains, but to escape into them. The natural beauty of the surrounding area and the gap's rich cultural history make it a popular destination for travelers of all ages and interests. From hikers to historians, people continue to be drawn to the ''gap between the mountains.''

Time has almost stood still in the small Appalachian town of Cumberland Gap. As you walk through the quiet streets, you are greeted with architecture from the late 1800s and the 1920s. The streets are snap shots from the past, illustrating the progression of history even through today. The town's rich history, quiet charm, and natural beauty are especially appealing for cultural tourism.

Just as the historic parade marched through the gap for more than 200 years, the procession is not yet finished. Today the town of Cumberland Gap, the natural starting point for a journey into the Cumberland Gap National Park, is a haven for day hikers, adventure hikers, and cycle enthusiasts. Whether you are seeking history, culture or adventure, Cumberland Gap is always a great place to be.

On July 19th, this historic town celebrates 200 years of postal service with a day of interpretive presentations of what life was like in the early 1800s including ''living history'' exhibits throughout the town. Mr. Speaker, I am honored to join them on this important day and I wish the town of Cumberland Gap many years of continued success.

TRIBUTE TP I.W. SPUD AND MARY WOOD

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. CARDOZA. Mr. Speaker I rise today to recognize two very special constituents, I.W. ''Spud'' and Mary Wood. On August 2 in Merced, CA. Spud and Mary will be celebrating with family and friends their 90th birthdays and their 70th wedding anniversary. These monumental events are being memorialized by their family who are traveling from both near and far.

Spud and Mary came to Merced, CA, in 1936 from Wheeler County, TX. In Merced, they made their home and have lived on their ranch for the past 64 years. They are the parents of three—Annetta Meyer, Myrna Aikins, and Kenneth, who is now deceased. Both Annetta and Myrna have a total of 5 children between them. Spud and Mary are the proud great grandparents of 8 which also includes one set of triplets.

Mr. Speaker, I am delighted to honor this wonderful family on this auspicious occasion. Our community benefits greatly from the splendid example they have set for us all. Marriages such as the Wood's form a sound foundation for our country and contribute greatly toward making this a better world in which to live. I wish both Spud and Mary my sincerest congratulations as they share these milestones in their lives.

TRIBUTE TO MAJOR JAMES EWALD

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise today to recognize Major James ''Chocks'' Ewald of the Michigan Air National Guard for his exemplary service to our Nation during Operation Iraqi Freedom.

On April 8, 2003, during one of the 30 sorties he flew over Iraq, Major Ewald's aircraft was struck by a surface-to-air missile. Major Ewald managed to continue flying the damaged aircraft for 12 minutes, eject before it crashed and evade capture until he was rescued.

In the face of extreme danger, Major Ewald's composure and commitment to fulfill his mission never faltered. Major Ewald is a tribute to the success of the Michigan Air National Guard.

Throughout his career in the United States military, Major Ewald has been unselfishly devoted to securing the safety and liberty of the American people.

On behalf of Michigan's Second Congressional District, I welcome Major Ewald home and offer appreciation for his heroic service to our Nation.

FCC DELAY IS UNCONSCIONABLE

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. FORBES. Mr. Speaker, the Federal Communications Commission voted on February 20 to loosen some of the rules that inhibit the deployment of broadband services. This is good news for consumers everywhere, as more broadband means better Internet access, more choice, and better service. The February 20 vote starts the FCC down the road to true parity of broadband regulation.

The problem is that it is almost four months later and the order that was voted on has not been released. We had heard that the FCC was waiting to vote on the media ownership issue before completing the February 20 rulemaking. The ownership vote took place last week June 2. What is the FCC waiting for?

This delay is simply unconscionable. As a comparison point, according to the National Council of State Legislature's website *http://www.ncsl.org/programs/legman/about/sess2003.htm*, half of the State legislatures in this country have completed their entire legislative year in less time than the FCC has taken to write an order that it has already voted on. In addition to my own State of Virginia, where I served in the State legislature, the State legislatures of Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Montana, New Mexico, Nevada, North Dakota, Oklahoma, South Dakota, Utah, Washington, West Virginia, and Wyoming all complete their substantive legislative business in about 4 months or less. And yet, in that same amount of time, the FCC can't seem to agree on the words that give life to the order they voted on in February. I missed the part in civics class where it is harder to write the words of a regulatory order that has been agreed to than it is to conduct the entire annual business of a State.

The FCC needs to end this embarrassing delay, and make sure its rules do not inhibit the deployment of broadband services to consumers throughout the country.

PERSONAL EXPLANATION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, on rollcall 354, agreeing to the amendment offered by Mr. REHBERG, the gentleman from Montana, striking the prohibition on mandatory country of origin labeling, to H.R. 2673, I inadvertently voted ''yea'' when it was my intent to vote ''nay.''

TRIBUTE TO REAR ADMIRAL STEPHEN R. PIETROPAOLI, U.S. NAVY, NAVY CHIEF OF INFORMATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. SKELTON. Mr. Speaker, I rise today to recognize the outstanding service to our Nation of Rear Admiral Stephen R. Pietropaoli, the Navy's Chief of Information, who will retire later this year. Rear Admiral Pietropaoli's career has worn the cloth of the Nation for over 26 years, during which time he has distinguished himself as a sailor, a leader, and a trusted advisor to many senior Navy and DOD senior military and civilian officials.

Throughout his career, Rear Admiral Pietropaoli has excelled in numerous positions of great responsibility. Whether he was ''driving ships'' as a surface warfare officer; guiding and leading midshipmen as a teacher at the Naval ROTC program at the University of Pennsylvania; responding to media queries as the lead spokesman at the Navy's National News Desk; or providing thoughtful and wise public affairs advice and counsel as the public affairs officer to the Chairmen of the Joint Chiefs of Staff and the Secretary of the Navy, Rear Admiral Pietropaoli has always been widely recognized as the most trusted and respected military officer, national security expert and public affairs professional.

It was during his tour of duty at the Joint Chiefs of Staff where his stellar reputation was further solidified. Rear Admiral Pietropaoli served as the sole communications strategist and public affairs advisor for two Chairmen of the Joint Chiefs of Staff during operations in Bosnia and Kosovo. While working for Generals Shalikashvili and Shelton, Rear Admiral Pietropaoli developed messages for countless media briefings, congressional appearances and international trips. During this time, the Department of Defense, the Joint Chiefs of Staff and the military services used these messages to work successfully with the Congress to provide the largest pay raise in 20 years and to restore retirement benefits for service members that serve 20 years in the military.

In his final assignment as the Navy's Chief of Information, Rear Admiral Pietropaoli led a global team of 500 active duty, reserve and civilian public professionals. His personal leadership and actions gave the American public an extraordinary understanding of the sacrifices and contributions of our Sailors and Marines, and the capabilities of U.S. Naval forces in times of peace and war. His vision, leadership and dedication have raised the Department of the Navy's numerous worldwide public affairs operations to unprecedented levels of success. Without question, no other leader in the U.S. Navy had a greater impact on garnering departmental, congressional, and public support for key Navy issues and programs than Rear Admiral Pietropaoli.

Whether coordinating Navy Public Affairs efforts following the attacks of September 11th, communicating the Navy's role in Operation ENDURING FREEDOM in Afghanistan and the Philippines and Operation IRAQI FREEDOM, or discussing Navy's support for homeland defense and Operation NOBLE EAGLE, Rear Admiral Pietropaoli orchestrated unprecedented media access to naval information and operations giving American and international audiences a clear picture of the readiness, dedication and contributions our Sailors made to national security.

During his tenure as CHINFO, Rear Admiral Pietropaoli also demonstrated unparalleled expertise in all facets of Navy Public Affairs community management; active duty and reserve, officer, enlisted, and civilian alike. His knowledge of public affairs requirements across the spectrum of military operations, combined with his keen sense of an individual's strengths, ensured the right person was sent to the right job at the right time. Joint commanders augmenting their public affairs staffs during military operations routinely sought Rear Admiral Pietropaoli's well trained public affairs specialists. He has led the consolidation effort over various enlisted ratings into the public affairs family of ratings, ensuring better career management for all those who work in the public affairs arena. He has also championed efforts by the Secretary of the Navy to study and implement a civilian community management plan, becoming the sponsor for those in the public affairs and related series.

There is no question that Rear Admiral Pietropaoli is the top communications professional in the U.S. military today. His unparalleled leadership and zeal for excellence will have a positive impact on the Navy Public Affairs Community for decades. He will be missed.

In a Navy where many people come and go, Rear Admiral Pietropaoli is a symbol of commitment and dedication from which many of us could learn. I congratulate him on his retirement and thank him for his nearly three decades of honorable service to the Navy and country.

On behalf of the U.S. Congress, I offer my congratulations to Rear Admiral Pietropaoli and wish him the best of luck as he and his wife, Dawn, and their two sons, Daniel and Matthew, begin this new and exciting chapter of their lives. Fair winds and following seas!

INTRODUCTION OF TWO VOCATIONAL EDUCATION BILLS, THE PUBLIC PRIVATE VOCATIONAL PARTNERSHIP ACT AND THE EXCELLENCE IN VOCATIONAL EDUCATION ACT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. POMBO. Mr. Speaker, today I introduce two bills promoting public-private partnerships in the interest of improving vocational education.

Vocational education is an extremely important component of secondary education for millions of students. It is too often neglected at the state level and does not receive adequate funding or attention.

Many students do not go onto an undergraduate university for their post-secondary education. Only about 40% of high school students who pursue post secondary education enroll in a baccalaureate (college) program. One third (over 5 million people) enroll in a vocational education (sub-baccalaureate) program.

We should acknowledge that not everyone chooses to go to an academic four year university. For many of these students, our current educational system is failing them.

There are many good paying jobs available to students interested in vocational training, but not enough students are being prepared for these types of jobs.

However, we do have the ability to encourage more schools and their students to participate in vocational education. We can leverage the involvement of the private sector. We can get businesses involved with the education of the skilled workers of tomorrow by helping them train the students of today. To accomplish this I am introducing two vocational education bills today.

The first bill, the Public Private Vocational Partnership Act, establishes a tax credit for companies that donate equipment and other resources that can be used for vocational training. It also establishes a tax credit for the hiring of full time students who want to work as interns in fields relating to vocational education.

The second bill, the Excellence in Vocational Education Act, creates a new competitive grant program where schools can seek out federal funding to match private sector contributions for vocational education projects. The goal is to increase students' participation and achievement in vocational education. The money will also be used to strengthen teachers' understanding of, and competency in, vocational education and practical application of it.

Both bills will encourage schools and the private sector to work together to give students practical training for quality jobs.

I hope my colleagues will join me in supporting these important proposals.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this very harmful amendment.

In the early 1990s, because of concerns about United Nations' operations and the lack of reforms by that body, the United States began withholding its payments to the UN and fell into arrears. We subsequently debated this issue for years, and, in November 1999, Congress and the Administration finally agreed on a plan to repay our longstanding debt to the UN in exchange for significant reforms by the world body.

This agreement conditioned U.S. payments of $819 million on substantial reforms at the UN. In return for the United States making good on its commitment, the UN reduced our contributions to its regular budget from 25 to 20 percent, and to the peacekeeping budget from 31 to 25 percent. The UN also agreed to open up its financial books to the United States and to establish an office of an Inspector General at each of its program offices.

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the UN. This amendment would send us back to a debate settled more than three years ago.

Mr. Chairman, as the UN's single largest contributor, the United States is granted unparalleled power to craft the UN's agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving towards democracy.

I urge my colleagues to vote against the King/Hayworth Amendment.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: July 14, 2003, Rollcall vote 354, on agreeing to the Rehberg Amendment, I would have voted no. Rollcall vote 355, on agreeing to the Blumenauer Amendment, I would have voted no. Rollcall vote 356, on agreeing to the Hefley Amendment, I would have voted yea. Rollcall vote 357, on agreeing to the Ackerman Amendment, I would have voted no. Rollcall vote 358, on passage of H.R. 2673, I would have voted yea. Rollcall vote 359, on Motion to Instruct Conferees, I would have voted no. July 15, 2003, Rollcall vote 360, on agreeing to H. Res. 316, I would have voted yea. Rollcall vote 361, on Motion to Suspend the Rules and Pass, as amended, H.R. 2330, I would have voted yea.

COMMENDING THE REVEREND CHARLES WILLIAMS FOR HIS EXCEPTIONAL LEADERSHIP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Ms. CARSON of Indiana. Mr. Speaker, today, I would like to take the opportunity to recognize Reverend Charles Williams for his exceptional leadership. Indiana Black Expo celebrates 33 years of extraordinary service in Indiana, the last 20 under the dynamic leadership of Reverend Williams. Reverend Williams' work dates back to the late 1970's when he was special assistant to the Mayor of Indianapolis. During that time he was responsible for creating and organizing the first city-wide Black History Month Celebration. In addition, he was very vocal in making Dr. Martin Luther King, Jr.'s birthday a legal holiday in Indianapolis, and organized and promoted the first Annual Indianapolis Jazz Festival.

In the early 1980's Reverend Charles Williams became president of Indiana Black Expo, Inc and Founder of Circle City Classics, Inc. Throughout various entities, Reverend Williams promotes harmony among people of all races. He was instrumental in raising public awareness about prostate cancer when he discovered he had become a victim and that it was in advanced stages. Although he has extensive knowledge about health issues he had neglected to follow his own advice.

In his book entitled, ''That Black Men Might Live,'' Reverend Williams uses his own personal battle against cancer to address the important, but often neglected, issues of Black men and prostate cancer. It is particularly important to African American men, a segment at special risk for the disease. They have the highest rate of prostate cancer in the world. In fact, the incidence rate in African Americans is 60 percent higher than in white males and double the mortality rate, according to a report done by the National Prostate Cancer Coalition.

He encourages men to get early and regular physical exams to prevent or detect the disease while in its early stages. We must join Reverend Williams in this mission to save humanity. Reverend Williams exudes the type of leadership that is both rich and rare. He is worthy of high praise.

TRIBUTE TO DOTTY ALDRICH ON THE OCCASION OF HER 80TH BIRTHDAY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding woman, and friend, Mrs. Dotty Aldrich, on the momentous occasion of her 80th birthday.

An Old Fort citizen, Dotty possesses a vast amount of civic pride and dedication to societal causes. After raising her seven children, Dotty decided to return to school and earn her B.A. in Education from Defiance College. After graduating, Dotty went on to receive her Masters Degree in Education from Bowling Green State University.

Dotty is a retired school teacher who taught masterfully for numerous years. In addition to raising her children, Dotty has been a mother to many foster children. Today Dotty enjoys volunteering in various sectors of her community, including nursing homes and the Church. Furthermore, Dotty is an active member in such organizations as the Daughters of the American Revolution and the Association for Professional College Women.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Dotty Aldrich. Our communities are served well by having such honorable and selfless citizens, like Dotty, who care about the well being of their communities. We wish Dotty all the best as we pay tribute to one of Ohio's finest citizens.

IN RECOGNITION OF THE 35TH ANNIVERSARY OF THE DEPLOYMENT OF THE 3RD BRIGADE (GOLDEN BRIGADE), OF THE 82ND AIRBORNE DIVISION TO THE REPUBLIC OF VIETNAM.

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. HAYES. Mr. Speaker, I rise today in recognition of the 35th Anniversary of the deployment of the 3rd Brigade of the 82nd Airborne Divisions to the Republic of Vietnam. In late January 1968, the United States had 500,000 soldiers deployed in the Republic of Vietnam. The Soviets had become increasing belligerent on the Inter-German boundary, and the North Koreans had fired on the *USS Pueblo*, seized the ship and held the crew hostage. The world situation was tense and the United States military was stretched thin in many locations. On January 31st, 1968, the Vietnamese New Year, North Vietnamese forces initiated a coordinated attack throughout South Vietnam. The largest enemy offensive of the war was later named the Tet Offensive. General William C. Westmoreland, Commander of American Troops in Vietnam, was facing a direct attack on his headquarters in Saigon, the Marines were surrounded and in danger of being overrun at Khe Sanh and the communists had captured the Imperial City of Hue. In conversations with President Johnson, Westmoreland requested additional troops be sent from the States immediately. Westmoreland clearly stated his preference for ''airborne troopers''.

During the Vietnam War, the 82nd Airborne Division was the nation's strategic reserve, though during the early winter of 1968 it was manned at only about 60% strength. Recognizing the criticality of the situation, President Lyndon Johnson approved orders committing a brigade of the 82nd. A decision was made to send the 3rd Brigade, though it took substantial numbers of soldiers from 1st and 2nd Brigades to bring the 3rd Brigade to full strength.

The alert came at 5:30 p.m. on Monday, February 12th, 1968 and the advanced party, led by Colonel Alexander R. Bolling, Jr., departed 24 hours later with the main elements beginning their departure on the following day. The lead combat element, the 2nd Battalion, 505th Parachute Infantry Regiment, was engaged in hostile operations by that Sunday, the 18th of February—only six days after the initial alert. It took 155 C–141's and a number of C–130's to lift the 3,600 men and equipment of the Brigade 12,000 miles to Chu Lai, a trip that took 30 hours.

Over eighty percent of the soldiers in the Golden Brigade had already served at least one tour in Vietnam. Additionally, many had also served in WWII, the Korean War and in the Dominican Republic conflict.

The Golden Brigade fought bravely and successfully to open Hai Van Pass, driving the communists from Hue, opening the roads to the A Shau Valley to control Nui Khe Mountain. Following the Brigade's redeployment to the southern part of the country in September of 1968, they took the war to the enemy in the Michelin Rubber Plantation, the Iron Triangle and along the Song Be River.

In twenty-two months of combat, the Golden Brigade won eight campaign streamers for the battle flag. 228 men paid the ultimate price and gave their lives, and another 1,200 men were wounded in action. The youngest troopers are now in their mid fifties, and some of the officers and noncommissioned officers have departed this world. It is fitting and proper that during this 35th anniversary year, a grateful nation acknowledges their sacrifice, valor and selfless service. Airborne—All The Way!

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2003

Mr. MOORE. Mr. Chairman, on July 14, 2003, my plane was delayed during rollcall votes 354, 355, 356, and 357; had I been present to vote, I would have voted ''nay'', ''aye'', ''nay'', and ''aye'', respectively. Please let the RECORD reflect how I would have voted.

I voted ''nay'' on rollcall vote 354, but I would like to share my support for country of origin labeling, though I have concerns regarding the cost of the program and its current ability to be implemented. In 2000, the Government Accounting Office studied the question and found that ''it is difficult to quantify the cost of labeling meat by country-of-origin or to put a value on the potential benefits.'' Allowing voluntary labeling of the meat industry for one more year will allow the United States Department of Agriculture time to streamline the implementation process. Producers meanwhile will be able to voluntarily label their meat and consumers will be able to pick which meat they prefer.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2658, Defense Appropriations.

House and Senate met in a Joint Meeting to Receive the Right Honorable Tony Blair, Prime Minister of the United Kingdom and Northern Ireland.

House passed H.R. 2691, Interior and Related Agencies Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S9515–S9585

Measures Introduced: Ten bills were introduced, as follows: S. 1422–1431. **(See next issue.)**

Measures Reported:

S. 1424, making appropriations for energy and water development for the fiscal year ending September 30, 2004. (S. Rept. No. 108–105)

S. 1426, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004. (S. Rept. No. 108–106)

S. 1427, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004. (S. Rept. No. 108–107)

S. Con. Res. 53, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

(See next issue.)

Measures Passed

Defense Appropriations: By a unanimous vote of 95 yeas (Vote No. 290), Senate passed H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S9516–45, S9547–58, S9560–75**

Adopted:

Dodd Amendment No. 1276, to require a review and report regarding the effects of use of contractual offset arrangements and memoranda of understanding and related agreements on the effectiveness of buy-American requirements. **Pages S9519–20**

By 81 yeas to 15 nays (Vote No. 286), Byrd Amendment No. 1281, to state the sense of Congress on funding of ongoing overseas military operations, including overseas contingency operations.

Pages S9536–45

Stevens (for Santorum) Amendment No. 1285, to make available from amounts available for Operation and Maintenance, Army Reserve, $2,000,000 for a Software Engineering Institute Information Assurance Initiative. **Pages S9562–63**

Stevens Amendment No. 1286, to provide up to $10,000,000 of Operation and Maintenance, Defense-Wide funds for civil-military programs and the Innovative Readiness Training (IRT) program.

Pages S9562–63

Stevens (for Allard) Amendment No. 1287, to increase by $10,000,000 the amount of Missile Procurement, Air Force funds set aside for assured access to space. **Pages S9562–63**

Stevens Amendment No. 1288, to provide for a study of mail delivery to troops in the Middle East.

Pages S9562–63

Stevens Amendment No. 1289, to conform the appropriation provision relating to use of RDT&E, Defense-Wide funds for an initial set of missile defense capabilities to the corresponding authorization provision. **Pages S9562–63**

Stevens (for Kyl) Amendment No. 1290, to make available from amounts available for Research, Development, Test and Evaluation for the Air Force, $4,000,000 for adaptive optics research.

Pages S9562–63

Stevens (for Chafee) Amendment No. 1291, to make available from amounts available for Research, Development, Test and Evaluation, Navy, $1,000,000 for the completion of the Rhode Island Disaster Initiative. **Pages S9562–63**

Stevens (for Warner) Amendment No. 1292, to make available from amounts available for military personnel, $8,000,000 for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces from $6,000 to $12,000. **Pages S9562–63**

Stevens (for Collins/Snowe) Amendment No. 1293, to make available from amounts available for Shipbuilding and Conversion, Navy, $20,000,000 for DDG–51 modernization planning. **Pages S9562–63**

Stevens (for Nickles) Amendment No. 1294, to make available from amounts available for Operation and Maintenance, Army, $4,000,000 for the Army Museum of the Southwest at Ft. Sill, Oklahoma. **Pages S9562–63**

Stevens (for Roberts) Amendment No. 1295, to limit the use of funds for the privatization or transfer to another Federal agency of the prison guard functions at the United States Disciplinary Barracks at Fort Leavenworth, Kansas. **Pages S9562–63**

Stevens (for Voinovich) Amendment No. 1296, to make available from amounts available for Operation and Maintenance, Marine Corps, $6,000,000 for the purchase of HMMWV tires. **Pages S9562–63**

Stevens (for Burns) Amendment No. 1297, to make available from amounts available for National Guard Personnel, Army, $2,500,000 for Lewis and Clark Bicentennial Commemoration Activities, and to make available from amounts available for Operation and Maintenance, Army National Guard, $1,500,000 for such activities. **Pages S9562–63**

Stevens (for Chambliss) Amendment No. 1298, to prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report on the requirements of the Navy and Marine Corps for tactical aviation. **Pages S9562–63**

Stevens (for Kennedy) Amendment No. 1299, to limit the use of funds for converting to contractor performance of Department of Defense activities and functions. **Pages S9563–64**

Stevens (for Hatch) Amendment No. 1300, to appropriate funds to settle certain claims of United States prisoners of war who performed forced or slave labor for Japanese companies during World War II. **Pages S9564–66**

Inouye (for Feinstein) Amendment No. 1301, to make available from amounts available for Procurement, Defense-Wide, $20,000,000 for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community. **Page S9566–69**

Inouye (for Boxer) Amendment No. 1302, to make available from amounts available for Research, Development, Test, and Evaluation, Army, $5,000,000 to support Shortstop Electronic Protection Systems research and development efforts. **Page S9566–69**

Inouye (for Durbin) Amendment No. 1303, to require a study of the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois. **Page S9566–69**

Inouye (for Mikulski) Amendment No. 1304, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $3,000,000 for Project Ancile. **Page S9566–69**

Inouye (for Mikulski) Amendment No. 1305, to make available from amounts available for Research, Development, Test, and Evaluation, Army, $2,000,000 for Knowledge Management Fusion. **Page S9566–69**

Inouye (for Schumer/Clinton) Amendment No. 1306, to make available from amounts available for Research, Development, Test, and Evaluation, Army, $3,000,000 for the Large Energy National Shock Tunnel (LENS). **Page S9566–69**

Inouye (for Dorgan) Amendment No. 1307, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $7,000,000 for the Ultra-low Power Battlefield Sensor System. **Page S9566–69**

Inouye (for Biden) Amendment No. 1308, to require a report on the feasibility of developing and deploying a nuclear debris collection and analysis capability to permit the characterization of detonated nuclear devices. **Page S9566–69**

Inouye (for Bayh/Lugar) Amendment No. 1309, to make available amounts available for Operation and Maintenance, Army, $15,000,000 for upgrades for M1A1 Abrams tank transmissions. **Page S9566–69**

Inouye Amendment No. 1310, to make available amounts available for Operation and Maintenance, Army, $2,000,000 to promote civil rights education and history in the Army. **Page S9566–69**

Inouye (for Harkin) Amendment No. 1311, to require reports on safety issues due to defective parts. **Page S9566–69**

Inouye (for Wyden/Byrd) Amendment No. 1312, to require a report on the reconstruction of Iraq. **Page S9566–69**

Inouye (for Boxer) Amendment No. 1313, to provide travel reimbursement to the spouses and dependents of deployed military personnel when they visit family members. **Page S9566–69**

Inouye (for Biden) Amendment No. 1314, to make available amounts available for Aircraft Procurement, Air Force, $19,700,000 for C–5 aircraft in-service modifications for the procurement of additional C–5 aircraft Avionics Modernization Program kits. **Page S9566–69**

Inouye (for Schumer/Bingaman) Amendment No. 1315, to require a report on the establishment of police and military forces in Iraq. **Pages S9560–62**

Inouye (for Byrd/Grassley) Amendment No. 1316, to continue in effect a provision of the Department of Defense Appropriations Act, 2003, relating to evaluations of creditworthiness for issuance of Government charge cards. **Pages S9566–69**

Rejected:

Durbin Amendment No. 1277, to limit the availability of funds for the Intelligence Community Management Account pending a report on the development and use of intelligence relating to Iraq and Operation Iraqi Freedom. (By 62 yeas to 34 nays (Vote No. 287), Senate tabled the amendment.) **Pages S9520–29, S9545**

Byrd Amendment No. 1283, to rescind $1,100,000,000 of the amounts appropriated for procurement and research, development, test and evaluation, and to appropriate $1,100,000,000 for fighting AIDS/HIV, tuberculosis, and malaria. (By 71 yeas to 24 nays (Vote No. 288), Senate tabled the amendment.) **Pages S9547–57**

Withdrawn:

Feingold Amendment No. 1279, to state the sense of the Senate on a report on the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the USS *Cole*. **Pages S9531–32**

Kennedy Amendment No. 1280, to limit the use of funds of converting to contractor performance of Department of Defense activities and functions. **Pages S9529–31, S9563**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, and Feinstein. **Page S9572**

Memorial Construction Authority Extension: Senate passed S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr., after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Land Conveyance Act: Senate passed S. 490, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, after agreeing to the committee amendments. **(See next issue.)**

Buffalo Soldier Commemoration Act: Senate passed S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Paleontological Resources Preservation Act: Senate passed S. 546, to provide for the protection of paleontological resources on Federal lands, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Hibben Center for Archaeological Research Act: Senate passed S. 643, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

National Trails System Willing Seller Act: Senate passed S. 651, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act: Senate passed S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Lands Exchange: Senate passed S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Vietnam Veterans Memorial Education Center Act: Senate passed S. 1076, to authorize construction of an education center at or near the Vietnam Veterans Memorial, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Easement Grant: Senate passed H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska, clearing the measure for the President. **(See next issue.)**

Kris Eggle Visitor Center Designation Act: Senate passed H.R. 1577, to designate the visitor center in Organ Pipe National Monument in Arizona as the "Kris Eggle Visitor Center", clearing the measure for the President. **(See next issue.)**

Land Conveyance Act: Senate passed H.R. 74, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, clearing the measure for the President. **(See next issue.)**

Foundation for the National Institutes of Health Improvement Act: Senate passed S. 314, to make improvements in the Foundation for the National Institutes of Health. **(See next issue.)**

William J. Scherle Post Office Building: Committee on Governmental Affairs was discharged from further consideration of S. 1399, to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building", and the bill was then passed. **(See next issue.)**

Honoring Chambers of Commerce: Senate agreed to S. Con. Res. 53, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies. **(See next issue.)**

Homeland Security Appropriations—Agreement: A unanimous-consent agreement was reached providing for consideration of H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, at 1:30 p.m., on Monday, July 21, 2003. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 93 yeas (Vote No. EX. 289), Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit. **Pages S9558–59, S9585**

Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina. **Pages S9559–60, S9585**

Nominations Received: Senate received the following nominations:

Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

Susan C. Schwab, of Maryland, to be Deputy Secretary of the Treasury.

George H. Walker, of Missouri, to be Ambassador to the Republic of Hungary. **Page S9585**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Measures Placed on Calendar: **(See next issue.)**

Executive Communications: **(See next issue.)**

Petitions and Memorials: **(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: **Pages S9582–84**

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: Five record votes were taken today. (Total—290) **Pages S9544–45, S9557, S9559, S9572**

Adjournment: Senate met at 9 a.m., and adjourned at 9:30 p.m., until 1 p.m., on Monday, July 21, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9584.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following bills:

An original bill (S. 1426) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2004;

An original bill (S. 1427) making appropriations for agriculture, rural development and food and drug administration and related agencies programs for fiscal year ending September 30, 2004; and

An original bill (S. 1424) making appropriations for energy and water development for the fiscal year ending September 30, 2004.

Also, committee began consideration of an original bill, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, but did not take final action thereon, and will continue on Thursday, July 24.

FEDERAL HOUSING ENTERPRISE OVERSIGHT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine regulatory oversight of government sponsored enterprise accounting practices, focusing on the role of a federal financial safety and soundness regulator, an approach to examining accounting practices and controls over financial reporting, executive compensation, corporate governance, and legislative enhancements,

after receiving testimony from Armando Falcon, Jr., Director, Office of Federal Housing Enterprise Oversight.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1389, to authorize appropriations for the Surface Transportation Board for fiscal years 2004 through 2008, with amendments;

S. 1402, to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, with amendments;

S. 1250, to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system;

S. 1401, to reauthorize the National Oceanic and Atmospheric Administration, with amendments;

S. 1400, to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, with an amendment in the nature of a substitute;

S. 1404, to amend the Ted Stevens Olympic and Amateur Sports Act, with amendments;

S. 1395, to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005, with amendments; and

The nominations of Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation, and Pamela Harbour, of New York, to be a Federal Trade Commissioner.

DOE LABORATORY MANAGEMENT

Committee on Energy and Natural Resources: Committee concluded hearings to examine the contrast between management of science and technology resources by the Department of Energy with management of such resources in other agencies and in the private sector towards the goal of suggesting approaches for optimizing DOE's management and use of its science and technology resources, after receiving testimony from William Schneider, Jr., Chairman, Defense Science Board, Department of Defense; John H. Gibbons, Resource Strategies, The Plains, Virginia, former Assistant to the President for Science and Technology, and former Director, Office of Science and Technology Policy; Victor H. Reis, Hicks and Associates, Inc., Washington, D.C.; and William J. Spencer, International SEMATECH, Austin, Texas.

EXOTIC ANIMALS

Committee on Environment and Public Works: Committee concluded hearings to examine the importation of exotic species and the impact on public health and safety, after receiving testimony from Senator Ensign; John Clifford, Associate Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Department of Agriculture; Lester M. Crawford, Deputy Commissioner, Food and Drug Administration, and Stephen M. Ostroff, Deputy Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Marshall P. Jones, Jr., Deputy Director, Fish and Wildlife Service, Department of the Interior; Gabriela Chavarria, National Wildlife Federation, Reston, Virginia, on behalf of the National Environmental Coalition on Invasive Species; Robert A. Cook, Columbia University School of International and Public Affairs, on behalf of the Wildlife Conservation Society; and N. Marshall Meyers, Pet Industry Joint Advisory Council, Washington, D.C.

NURSING HOME QUALITY

Committee on Finance: Committee concluded hearings to examine nursing home quality, focusing on reports of abuse and neglect and federal efforts to improve conditions in nursing homes, after receiving testimony from Senator Bond; Dara Corrigan, Acting Principal Deputy Inspector General, and Thomas A. Scully, Administrator, Centers for Medicare and Medicaid Services, both of the Department of Health and Human Services; William J. Scanlon, Director, Health Care Issues, General Accounting Office; Mary K. Ousley, Sun Bridge Health Care Center, Albuquerque, New Mexico, on behalf of the American Health Care Association; Jeanne M. Hodgson, Ranson, West Virginia; and Sheila E. Albores, Oak Park, Illinois.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following bills:

S. 1416, to implement the United States-Chile Free Trade Agreement; and

S. 1417, to implement the United States-Singapore Free Trade Agreement.

BENEFITS FOR VICTIMS OF INTERNATIONAL TERRORISM ACT

Committee on Foreign Relations: Committee held hearings to examine S. 1275, to establish a comprehensive federal program to provide benefits to U.S. victims of international terrorism, focusing on issues including the importance of blocked assets for U.S. foreign policy and national security interests, and maintaining a proper balance between administrative and litigation alternatives for international terrorism claims, receiving testimony from William H. Taft IV, Legal Adviser, Department of State; and Stuart E. Eizenstat, Covington and Burling, and Allan Gerson, George Washington University and Gerson International Law Group, both of Washington, D.C.

Hearings recessed subject to the call.

MENTAL HEALTH SERVICES FOR CHILDREN

Committee on Governmental Affairs: Committee concluded hearings to examine certain situations where parents must relinquish custody in order to secure mental health services for their children, focusing on adolescent males with severe mental health problems, limitations in private and public insurance, difficulties accessing services through mental health and education agencies, and expanding community mental health services and supporting families, after receiving testimony from Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice; and Cornelia M. Ashby, Director, Education, Workforce, and Income Security Issues, General Accounting Office.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1416, to implement the United States-Chile Free Trade Agreement;

S. 1417, to implement the United States-Singapore Free Trade Agreement;

S. Con. Res. 53, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; and

The nominations of Kathleen Cardone, to be United States District Judge for the Western District of Texas, James I. Cohn, to be United States District Judge for the Southern District of Florida, Frank Montalvo, to be United States District Judge for the Western District of Texas, Xavier Rodriguez, to be United States District Judge for the Western District of Texas, and Christopher A. Wray, of Georgia, to be an Assistant Attorney General, and Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General, both of the Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 24 public bills, H.R. 2766–2789; and 2 resolutions, H. Con. Res. 247, and H. Res. 323, were introduced. **Pages H7084–85**

Additional Cosponsors: **Pages H7085–86**

Reports Filed: Reports were filed as follows:

H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (H. Rept. 108–214).

H. Res. 287, directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, with amendments (H. Rept. 108–215);

H.R. 1572, to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building", amended (H. Rept. 108–216);

H.R. 1668, to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse" (H. Rept. 108–217);

H.R. 1038, to increase the penalties to be imposed for a violation of fire regulations applicable to

the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, referred sequentially to the House Committee on the Judiciary for a period ending not later than Sept. 15, 2003 for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(K), rule X (H. Rept. 108–218, Pt. 1). **Page H7084**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Biggert to act as Speaker Pro Tempore for today. **Page H7023**

Recess: The House recessed at 2:35 p.m. for the purpose of receiving Prime Minister Tony Blair in a Joint Meeting. The House reconvened at 5:31 p.m; and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Page H7062**

Joint Meeting to Receive the Right Honorable Tony Blair, Prime Minister of the United Kingdom and Northern Ireland: The House and Senate met in a Joint Meeting to receive Prime Minister Tony Blair. He was escorted into the House Chamber by a committee comprised of Representatives DeLay, Blunt, Bereuter, Lewis of California, Petri, King of New York, Brown-Waite, Pelosi, Hoyer, Menendez, Clyburn, DeLauro, Skelton, and Lantos; and Senators Frist, McConnell, Stevens, Santorum, Hutchison, Kyl, Allen, Lugar, Campbell, Dole, Daschle, Reid, Mikulski, Biden, Leahy, and Dodd. **Pages H7059–62**

Interior and Related Agencies Appropriations: The House passed H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, by yea-and-nay vote of 268 yeas to 152 nays, Roll No. 389. The bill was also considered on July 16. **Pages H7025 (continued next issue)**

Agreed To:

Slaughter amendment No. 10 printed in the Congressional Record of July 15 and debated on July 16 that increases funding for the National Endowment for the Arts by $10 million and increases funding for the National Endowment for the Humanities by $5 million with offsets from the National Park Service, Departmental Management, and National Forest System was offered. (agreed to by recorded vote of 225 ayes to 200 noes with 1 voting ''present'', Roll No. 376); **Pages H7054–55**

Sanders amendment that increases funding for weatherization assistance grants by $15 million with offsets from other energy conservation activities; **Pages H7027–28**

Bereuter amendment No. 12 printed in the Congressional Record of July 16 that prohibits any funds to be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska or the Southeast Archaeological Center in Tallahassee, Florida (agreed to by recorded vote of 362 ayes to 57 noes, Roll No. 387); **(See next issue.)**

Taylor of North Carolina amendment to the Udall of Colorado amendment No. 1 that applies the provisions to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit or lands within the National Wilderness Preservation System (agreed to by recorded vote of 226 ayes to 194 noes, Roll No. 388); and **(See next issue.)**

Udall of Colorado amendment No. 1 printed in the Congressional Record of July 10, as amended, that prohibits funds 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 with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit or lands within the National Wilderness Preservation System; **(See next issue.)**

Rejected:

DeFazio amendment No. 18 printed in the Congressional Record of July 16 that sought to extend authorization for the Recreation Fee Demonstration Program to activities under the jurisdiction of the National Park Service only (rejected by recorded vote of 184 ayes to 241 noes, Roll No. 377); **Pages H7033–36, H7055**

Hefley amendment that sought to reduce all funding by one percent (rejected by recorded vote of 81 ayes to 341 noes, Roll No. 378); **Pages H7040–41, H7055–56**

Tancredo amendment No. 17 printed in the Congressional Record that sought to increase Wildland Fire Management funding by $57.4 million with offsets from the National Endowment for the Arts (rejected by recorded vote of 112 yes to 313 noes, Roll No. 379); **Pages H7042–43, H7056–57**

Blumenauer amendment No. 14 printed in the Congressional Record of July 16 that sought to prohibit any funding to be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuge in the States of Oregon and California that permits the growing of row crops or alfalfa (rejected by recorded vote of 197 ayes to 228 noes, Roll No. 380); **Pages H7043–47, H7057**

Shadegg amendment that increases funding for Wildland Fire Management hazardous fuels reduction activities by $19 million with offsets from the

Department of Agriculture Land Acquisition program (rejected by recorded vote of 128 ayes to 298 noes, Roll No. 381); **Pages H7048–49, H7057–58**

Gallegly amendment that sought to prohibit any funding to administer any action related to the baiting of bears except to prevent or prohibit such activity (rejected by recorded vote of 163 ayes to 255 noes, Roll No. 382); **Pages H7049–51, H7076**

Rahall amendment No. 4 printed in the Congressional Record of July 14 that sought to prohibit any funds to kill, or assist others in killing, any Bison in the Yellowstone National Park herd (rejected by recorded vote of 199 ayes to 220 noes, Roll No. 383); **Pages H7051–54, H7076–77**

Udall of New Mexico amendment No. 9 printed in the Congressional Record of July 15 that sought to prohibit any funding to finalize or implement the proposed revisions to subpart A of part 219 of title 36. Code of Federal Regulations, relating to National Forest System Planning for Land and Resource management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (rejected by recorded vote of 198 ayes to 222 noes, Roll No. 384); **Pages H7062–68, H7077–78**

Holt amendment No. 2 printed in the Congressional Record of July 14 that sought to prohibit any funding to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway; except in accordance with national Park Service One-year Delay Rule published November 18, 2002 (rejected by recorded vote of 210 ayes to 210 noes, Roll No. 385); **Pages H7069–75, H7078**

Inslee amendment that sought to prohibit any funds to be used to propose, finalize, or implement any change to subpart B of part 294 of title 36, Code of Federal Regulations, entitled Protection of Inventoried Roadless Areas (rejected by recorded vote of 185 ayes to 234 noes, Roll No. 386); **Pages H7082 (continued next issue)**

Point of order sustained against:

King of Iowa amendment No. 16 printed in the Congressional Record of July 16 that sought to prohibit any funds to be used to subject management of the Missouri River to the imposition of any regulatory action under the Endangered Species Act; and **Pages H7079–81**

Matheson substitute amendment to the Udall of Colorado amendment No. 1 printed in the Congressional Record of July 10 that sought to apply the provisions to any lands in National Parks, Wilderness Areas, Wilderness Study Areas, National Wildlife, Refuges, National Monuments, military bases, or any roads except public highways, roads, or streets that are traveled ways maintained by a county or incorporated municipality; over which a conventional two-wheel drive vehicle may travel, and with regard to private property. **(See next issue.)**

Withdrawn:

Sessions amendment No. 7 printed in the Congressional Record of July 15 was offered, but subsequently withdrawn, that sought to strike section 335 that prohibits any funds to be used to initiate any new competitive sourcing studies at the Department of the Interior; **Pages H7037–38**

Manzullo amendment No. 5 printed in the Congressional Record of July 15 was offered, but subsequently withdrawn, that sought to prohibit the procurement of manufactured materials unless section 2 of the Buy American Act is applied by substituting "at least 65 percent" for "substantially all"; **Pages H7041–42**

John amendment No. 6 printed in the Congressional Record of July 15 was offered but subsequently withdrawn that sought to prohibit any funds to be used to prosecute any individual for killing migratory birds on or over land or water where seeds or grains have been scattered solely as the result of manipulated re-growth of a harvested rice crop; **Pages H7078–79**

H. Res. 319, the rule that is providing for consideration of the bill was agreed to on July 16.

Energy and Water Appropriations—Order of Business: Agreed that it be in order at any time, for the Speaker, as though pursuant to clause 2(b) of rule 18, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 2754, Energy and Water Appropriations, which shall proceed according to the following order: The first reading shall be dispensed with, all points of order against consideration are waived, and general debate shall not exceed one hour equally divided and controlled. The bill shall be considered for amendment under the five-minute rule and the amendment placed at the desk shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except for section 310. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill as amended to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto

to final passage without intervening motion except one motion to recommit with or without instructions. (See next issue.)

Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees: The House rejected the Michaud motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act that was debated on July 16 by yea-and-nay vote of 202 yeas to 214 nays, Roll No. 390. Subsequently, the House debated the Bell motion, noted on July 16, to instruct conferees on the same bill. Further proceedings on the motion were postponed. Earlier, Representative Van Hollen announced his intention to offer a motion to instruct conferees on the bill. (See next issue.)

Senate Messages: Message received from the Senate today appears on page H7023.

Referral: S. 555 and S. 558 were referred to the Committees on Resources and Energy and Commerce, and S. 570 was referred to the Committee on Education and the Workforce. Page H7084

Amendments: Amendments ordered printed pursuant to the rule appear on page H7086.

Quorum Calls—Votes: Two yea-and-nay votes and thirteen recorded votes developed during the proceedings of the House today and appear on pages H7054–55, H7055, H7055–56, H7056–57, H7057, H7057–58 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:53 a.m. on Friday, July 18.

Committee Meetings

HEALTH INSURANCE CERTIFICATE ACT

Committee on Energy and Commerce: Subcommittee on Health held a hearing on the Health Insurance Certificate Act of 2003. Testimony was heard from public witnesses.

REVIEW DOE'S RADIOACTIVE HIGH-LEVEL WASTE CLEANUP PROGRAM

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''A Review of DOE's Radioactive High-Level Waste Cleanup Program.'' Testimony was heard from Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; Jesse Roberson, Assistant Secretary, Environmental Management, Department of Energy; Michael Wilson, Program Director, Nuclear and Mixed Waste Program, Department of Ecology, State of Washington; and David Wilson, Assistant Chief, Bureau of Land and Waste Management, Department of Health and Environmental Control, State of South Carolina.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following measures: H.R. 2548, amended, Federal Property Asset Management Reform Act of 2003; and H.R. 2746, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building.''.

''A NEW MEDICARE PRESCRIPTION DRUG BENEFIT: IS IT GOOD FOR SENIORS?''

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing on ''A New Medicare Prescription Drug Benefit: Is it Good for Seniors?'' Testimony was heard from Representatives Gutknecht and Emanuel; and public witnesses.

PIRACY DETERRENCE AND EDUCATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 2517, Piracy Deterrence and Education Act of 2003. Testimony was heard from Jana Monroe, Assistant Director, Cyber Division, FBI, Department of Justice; and public witnesses.

OVERSIGHT—FORENSIC DNA TECHNOLOGY

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held an oversight hearing on ''Advancing Justice Through Forensic DNA Technology.'' Testimony was heard from Sarah V. Hart, Director, National Institute of Justice, Department of Justice; Paul B. Ferrara, M.D., Director, Division of Forensic Science, State of Virginia; and public witnesses.

OVERSIGHT—NATIONAL AND ECONOMIC SECURITY

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on ''The Role of Strategic and Critical Minerals in Our National and Economic Security.'' Testimony was heard from Charles G. Groat, Director, U.S. Geological Survey, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, as amended, the following bills: H.R. 958, Hydrographic Services Amendments of 2003; H.R. 1204, to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the

System by concessionaires authorized to use such properties; H.R. 2048, International Fisheries Reauthorization Act of 2003; and H.R. 2408, National Wildlife Refuge Volunteer Act of 2003.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 1598, Irvine Basin Surface and Groundwater Improvement Act of 2003; and H.R. 1732, Williamson County Water Recycling Act of 2003.

U.S. FIRE ADMINISTRATION AUTHORIZATION ACT

Committee on Science: Subcommittee on Research approved for full Committee action, as amended, H.R. 2692, United States Fire Administration Authorization Act of 2003.

Prior to this action, the Subcommittee held a hearing on this measure. Testimony was heard from Representative Camp; David Paulison, U.S. Fire Administrator and Director, Preparedness Division of the Emergency Preparedness and Response Directorate/FEMA, Department of Homeland Security; Arden Bement, Director, National Institute of Standards and Technology, Technology Administration, Department of Commerce; and public witnesses.

ENDANGERED FARMERS AND RANCHERS

Committee on Small Business: Subcommittee on Rural Enterprises, Agriculture and Technology held a hearing on Endangered Farmers and Ranchers: the Unintended Consequences of the Endangered Species Act. Testimony was heard from Representative Pombo; Harold Manson, Assistant Secretary, Fish, Wildlife and Parks, Department of the Interior; Thomas Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

WATER QUALITY FINANCING ACT; WATER RESOURCES DEVELOPMENT ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment approved for full Committee action, as amended, the following bills: H.R. 1560, Water Quality Financing Act of 2003; and H.R. 2557, Water Resources Development Act of 2003.

U.S.-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT; U.S.-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on Ways and Means: Ordered reported the following bills: H.R. 2739, United States-Singapore Free Trade Agreement Implementation Act; and H.R. 2738, United States-Chile Free Trade Agreement Implementation Act.

WASTE, FRAUD AND ABUSE

Committee on Ways and Means: Held a hearing on Waste, Fraud and Abuse. Testimony was heard from David M. Walker, Comptroller General, GAO; Joseph R. Brimacombe, Deputy Director, Compliance Policy, Small Business—Self Employed Division, IRS, Department of the Treasury; James G. Huse, Jr., Inspector General, SSA; Bill Jordan, Senior Counsel to the Assistant Attorney General for the Civil Division, Department of Justice; and public witnesses.

FIRST RESPONDERS

Select Committee on Homeland Security: Held a hearing entitled "First Responders: How States, Localities and the Federal Government Can Strengthen Their Partnership to Make America Safer." Testimony was heard from Mitt Romney, Governor, State of Massachusetts; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 18, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled, "Facing the Methamphetamine Problem in America," 10 a.m., 2203 Rayburn.

Subcommittee on Energy Policy, Natural Resources, and Regulatory Reform, and the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, joint hearing entitled "What is OMB's Record in Small Business Paperwork Relief?" 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats, and International Relations, hearing entitled "Humanitarian Assistance Following Military Operations: Overcoming Barriers—Part II," 10 a.m., 2318 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific, to mark up 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, 10 a.m., 2172 Rayburn.

Committee on Ways and Means, to mark up H.R. 1776, Pension Preservation and Savings Expansion Act of 2003, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

1 p.m., Monday, July 21

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 1:30 p.m.), Senate will begin consideration of H.R. 2555, Homeland Security Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 18

House Chamber

Program for Friday: Consideration of H.R. 2754, Energy and Water Appropriations (unanimous consent, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Bereuter, Doug, Nebr., E1501
Brady, Robert A., Pa., E1495, E1498
Cardoza, Dennis A., Calif., E1502
Carson, Julia, Ind., E1504
Carter, John R., Tex., E1501
Conyers, John, Jr., Mich., E1493, E1496
Cunningham, Randy ''Duke'', Calif., E1493, E1493, E1498, E1499
Duncan, John J., Jr., Tenn., E1499
Forbes, J. Randy, Va., E1502
Gillmor, Paul E., Ohio, E1504
Hastings, Alcee L., Fla., E1494, E1496, E1498
Hayes, Robin, N.C., E1504
Hoekstra, Peter, Mich., E1502
Isakson, Johnny, Ga., E1501
Kleczka, Gerald D., Wisc., E1499
Moore, Dennis, Kansas, E1504
Myrick, Sue Wilkins, N.C., E1503
Napolitano, Grace F., Calif., E1494, E1496, E1498
Pombo, Richard W., Calif., E1503
Radanovich, George, Calif., E1501
Rogers, Mike, Ala., E1495, E1497
Schiff, Adam B., Calif., E1499
Shays, Christopher, Conn., E1503
Skelton, Ike, Mo., E1502
Thompson, Bennie G., Miss., E1502
Towns, Edolphus, N.Y., E1494, E1497
Wamp, Zach, Tenn., E1501

(Senate and House proceedings for today will be continued in the next issue of the Record.)

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $217.00 for six months, $434.00 per year, or purchased for $6.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.