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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETERSON of Pennsylvania).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 21, 2003.

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

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

MESSAGE FROM THE SENATE

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

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 2658) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints 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, and Mrs. FEINSTEIN to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

CHILEAN HONEST TRADE

Mr. BLUMENAUER. Mr. Speaker, it is time for us to move past the free versus fair trade debate that has dominated the considerations in this Chamber for most of the last five Congresses, where each side uses code words to ignore the inconvenient arguments of each other, or perhaps to not address them at all. It is time to deal with honest trade policy.

We can start later this week with action on the Chile free trade agreement, a spirited open debate which should lead to a strong bipartisan vote for approval. I would urge my colleagues not to reflexively reject agreement because of either concerns about the previous trade promotion authority debate which, frankly, I had reservations about myself; or somehow get bogged down in debating what is not before us.

The best way to help future debates is if we all deal meaningfully with what is before us in the context of this agreement. And the Chile free trade agreement offers much for the United States, make no mistake about it. We gain far more than we give up in terms of tariff protections.

Right now the average United States export to Chile is taxed at approximately 5.6 percent versus an average tariff for the imports to the United States from Chile at approximately 0.5 percent. Indeed, two-thirds of the Chilean imports to the United States are duty free. We gain far more than we give up.

We are also currently at a severe disadvantage relative to other major trading partners with Chile. The large economies of the Western Hemisphere, Canada, Mexico, Argentina, Brazil, already have preferential access to the Chilean market, as does the European Union. As a result, we are losing access as it relates to the percentage from our other competitors in those areas.

I urge my colleagues to look at their own region as I have done, for instance, in my home State of Oregon. I have seen if we were able to enact this agreement, there would be more opportunities for export.

For instance, Freight Liner is headquartered in my community. It is one of the most efficient truck manufacturing operations in the entire world, but we have lost access because of the aforementioned disadvantage that we face from trucks exported from Mexico, Brazil or the European Union. Enactment of this agreement will make it possible for us to be more competitive in my community.

There is also opportunity to remedy trade policy as they occur. Recently there was a controversy with Chile regarding a potential dumping of frozen raspberries on our market, to the detriment of people in my State. We were able to use the protections under the trade agreements that we have to put a stop to it. This is an opportunity for us to deal meaningfully with labor and environmental protections. The ones in Chile are the strongest in Latin America, and it is important that we act accordingly to support them. Indeed, we must act to deal with the broader values that are shared with Chile.

Mr. Speaker, what kind of government behavior do we want to encourage with our trade agreements? Chile represents an island of stability in

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troubled Latin American waters. It deserves our support as a model for other countries.

As the world grows more prosperous and stable, America will be better off in terms of the enormous security burden that we have voluntarily undertaken in Iraq, Afghanistan, in about 100 other countries around the world in numerous treaties and alliances. Whether we are more economically secure depends on whether we exercise our leadership in honest trade policy at home and abroad.

Honest debate and ratification of the Chilean free trade agreement can be an important step in this new era.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m. today.

1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

PRAYER

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

''You, our God, are good and true, slow to anger and governing all with mercy.'' Every moment of time stands before Your living presence.

Last week contained some accomplishments and a momentary glimpse of our place in history. In this Chamber there was a moment of rhetorical brilliance and a sense of great purpose. We rejoiced with our coalition forces as we mourned the sacred loss of life in Iraq. Lord, protect all the troops who struggle to establish stability and hope to bring peace to the Middle East.

Last week also showed the fragile nature of this noble institution and revealed such human frailty that it caused great frustration and sadness. Help us to always learn from our mistakes lest we be condemned to repeat them. Inspire us to set higher standards of communication and behavior for ourselves. May we treat others with respect and civility, even when under pressure or faced with differing opinions. Empower all in this House to live and act as the free and noble children of You, our Eternal Father, and may great deeds be accomplished in Your holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH 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.

REPORT ON H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–221) on the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–222) on the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

THE TRUTH MUST BE REVEALED

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

Mr. KUCINICH. Mr. Speaker, yesterday The Washington Post revealed yet another piece of shaky intelligence used by this administration to go to war against Iraq. The claim that Saddam Hussein could launch a biological or chemical attack within 45 minutes was made twice by President Bush in a September Rose Garden appearance and in a Saturday radio address. This terrifying scenario, which was outlined in the famous ''British Dossier,'' has since been called into serious question.

The White House now admits it did not seek CIA approval for this claim. How is it that the President can make unequivocal statements about evidence of Iraq's weapons to Congress and the American people and not seek to see if it is true? The White House's admission reveals the administration's determination to take this country to war without regard to evidence.

The truth must be revealed about the administration's other claims to justify the war, such as Iraq's possession of chemical and biological weapons and alleged connections to al Qaeda.

Why did the U.S. really go to war against Iraq? The American people have a right to know.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:00 p.m. today.

TORNADO SHELTERS ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 23) to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks, as amended.

The Clerk read as follows:

H.R. 23

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tornado Shelters Act''.

SEC. 2. CDBG ELIGIBLE ACTIVITIES.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following new paragraph:

''(24) the construction or improvement of tornado-safe shelters for residents of manufactured housing, and the provision of assistance (including loans and grants) to nonprofit and for-profit entities (including owners of manufactured housing parks) for such construction or improvement, except that—

''(A) a shelter assisted with amounts provided pursuant to this paragraph may be located only in a neighborhood (including a manufactured housing park) that—

''(i) contains not less than 20 manufactured housing units that are within such proximity to the shelter that the shelter is available to the residents of such units in the event of a tornado;

''(ii) consists predominantly of persons of low and moderate income; and

''(iii) is located within a State in which a tornado has occurred during the fiscal year for which the amounts to be used under this paragraph were made available or any of the 3 preceding fiscal years, as determined by the Secretary after consultation with the Director of the Federal Emergency Management Agency;

''(B) such a shelter shall comply with standards for construction and safety as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, shall provide to ensure protection from tornadoes;

''(C) such a shelter shall be of a size sufficient to accommodate, at a single time, all occupants of manufactured housing units located within the neighborhood in which the shelter is located; and

''(D) amounts may not be used for a shelter as provided under this paragraph unless there is located, within the neighborhood in which the shelter is located (or, in the case of a shelter located in a manufactured housing park, within 1,500 feet of such park), a warning siren that is operated in accordance with such local, regional, or national disaster warning programs or systems as the Secretary, after consultation with the Director of the Federal Emergency Management Agency, considers appropriate to ensure adequate notice of occupants of manufactured housing located in such neighborhood or park of a tornado; and''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise made available for grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), there is authorized to be appropriated for assistance only for activities pursuant to section 105(a)(24) of such Act $5,000,000 for fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

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

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

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself 5 minutes to speak in support of this bill.

Mr. Speaker, first of all, I want to thank many of those responsible for the bill coming up today. I want to thank the gentleman from Ohio (Chairman OXLEY), the gentleman from Ohio (Mr. NEY), the chairman of the subcommittee. I also want to thank the gentleman from Massachusetts (Mr. FRANK), who has always been very supportive of this legislation. This legislation has had overwhelming, bipartisan support.

Mr. Speaker, this legislation is a response to something that every day, during at least 6 months out of the year, almost every day, we open the newspaper and we read where someone has been killed by a tornado. Now, we cannot prevent tornadoes from happening, but we can save lives when those tornadoes do happen, because the technology is there. The technology today, particularly on an F4, F5 tornado, the technology is there to give residents a 30- or 40-minute warning of a tornado bearing down on their community.

Now, what many residents have when they get these warnings is they have a place of shelter, they have a place to go. Many residents have a site-built home, they go down in the basement of that home, and that offers protection; or they go into an interior room. Manufactured housing residents do not have a basement. That is pretty obvious. They often do not have an interior room. The Society of Civil Engineers, who have endorsed this bill this week, actually pointed out the fact that this is something that manufactured housing communities need, and they have endorsed this legislation.

Because what this legislation will do is it will allow, wherever we have concentrations of manufactured housing, sometimes referred to as mobile homes, it will allow community development money to be used, and this is the option of the city or the county, to be used for a storm shelter for those residents. I have actually in the past few months visited two storm shelters, and they offer almost 100 percent protection from these storms. Coupled with the warning and the shelter, we should be able to reduce fatalities substantially.

Last year, the House of Representatives passed this bill, and Senator TIM JOHNSON tried to bring it up or attempted to bring it up; he made efforts to bring it up in the Senate. But for whatever reason, that bill did not come up. Senator JOHNSON and many other Senators have joined with House Members in asking that this bill be a priority this year.

Last year, when this House overwhelmingly passed this bill, I introduced the picture of a little girl named Whitney. Whitney was a resident of a manufactured house, a mobile home in Tuscaloosa, Alabama. She shared that home with her mother and her 16-month-old baby brother, and also a sister. When a tornado struck their home, it threw Whitney out of the home several hundred yards. Because it actually took hours and hours to find her, and she was actually mistaken for a pile of rubble, but an Associated Press photographer was there on the scene when Whitney was found and her little picture with her torn dress and her bloodied face went all over the United States. What a lot of people that saw that picture did not know is that Whitney's little brother did not make it through that storm. Whitney's little sister and Whitney spent days and weeks in a hospital recovering, but now they are home with their mother.

What Whitney did not have and what a sixth of the people in the United States who live in manufactured housing do not have is they do not have a shelter from the storm.

This storm was predicted to go through her community some 30 minutes before it went through her community. Her parents had a warning, but what they did not have is a place to hide. In fact, they were advised wisely: do not get in an automobile.

So I close by simply saying, this legislation was too late for Whitney's little brother and Whitney's father, but it is not too late for millions of American families today.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to join in supporting this. The gentlewoman from California (Ms. WATERS), a member of the subcommittee, worked collaboratively with the gentleman from Alabama. This has been an important cause that he has brought to our attention, and we appreciate that.

I should note that one of the ways in which we were able to cooperate on this bill was it is coming forward under the rubric of the community development block grant program, so we made sure that is, in fact, consistent with the community development block grant program. It is also additional money, so it does not take away from any existing programs, and it is entirely worthwhile.

I would just make two points about the broader implications of this bill. First of all, it is particularly for manufactured housing. Manufactured housing is a very important housing resource for low- and moderate-income homeowners and residents. And I hope that it will be a hallmark of this committee in a bipartisan way that we will find other ways to protect this important housing resource. It does not often get the respect it deserves, either in the culture or in the law.

□ 1415

I am determined that we will do our best.

Second, I am glad to be here joining my Republican colleagues in creating a new Federal program in which new Federal money is made available for an important societal need.

Now, it is not a huge amount of money for the whole country, $5 million. It might, as the need evidences itself, go beyond that. What it shows us is that there are important needs in this society; and the gentleman from Alabama (Mr. BACHUS) has just eloquently sketched out the need for this kind of shelter to protect vulnerable people from these tornados.

What we are saying is, this is a need that will not be met adequately for the people of this country unless the Federal Government creates a new category of funding and provides Federal funds for that. I am glad to do that because it is an important program that we are establishing. It is an important need that we are meeting, and as I said, it underlines the importance of manufactured housing and an appropriate Federal response to social programs.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, I want to commend the gentleman and also the

gentleman from Alabama (Mr. DAVIS), my home State, who joined me along with my fellow Alabamans, the gentleman from Alabama (Mr. EVERETT) and the gentleman from Alabama (Mr. ROGERS) in being original cosponsors of this bill.

What we saw was little Whitney and any citizen that lives in manufactured housing is basically discriminated against in Federal law today because there are not funds available for mobile home shelters for them. Had she lived on a site-built house, the Federal Government would have provided money for a tornado shelter.

One thing that we are doing with this legislation is we are going to allow all of our residents to be prepared for our next tornado, all our community, not just those that live in site-built homes.

We need to be careful as we move forward that we do have legislation that does not discriminate against any of our residents. And in this case, manufactured housing, many of our low- and middle-income residents choose this as a most affordable option, but when they choose this option they should not be discriminated against. They ought to, particularly in those areas that are tornado prone, also have an opportunity for those programs that had been created to protect them from this type of disaster or to mitigate the circumstances.

Had a shelter like this been in place in my community when this tornado hit, Whitney's father would be there to take care of her today. Whitney's little brother would be with her. Because they are not, she has continued to incur medical bills and her mother has continued to have to have assistance. And I do not want that to be the case.

I want us to be able to offer these people protection and security, and this is a very affordable way to do that and it is very sound. It works as the recent endorsement from the American Society of Civil Engineers shows.

Mr. NEY. Mr. Speaker, every year, an average of 800 tornadoes sweep across the United States, resulting in 80 deaths, more than 1,500 injuries, and millions of dollars in property damage. One of nature's most powerful and violent storms, large tornadoes often record wind speeds in excess of 250 miles per hour.

Despite rapid advances in tornado warning technologies, residents of manufactured housing communities often do not have adequate access to proper shelter. Prior to this legislation, federal monies were not available for tornado shelter construction within or around manufactured housing communities.

H.R. 23, the ''Tornado Shelters Act,'' introduced by Congressman SPENCER BACHUS, amends section 105 of the Housing and Community Development Act of 1974 by authorizing communities to use CDBG monies to construct or improve tornado-safe shelters located in manufactured housing parks.

The Community Development Block Grant (CDBG) program is generally recognized as the primary vehicle for targeted community development of cities, counties and rural areas to principally benefit low- and moderate-income persons. Grantees may use the funds for housing activities, economic development, public facilities (such as day care centers or health centers), public improvements (such as street repairs), public services (such as social programs for elderly, youth or abused), urban renewal, or planning and administration.

Shelters built under the auspices of this bill must be located in a neighborhood (including a manufactured housing park) that has twenty or more manufactured housing units, populated by persons of predominantly low- to moderate-income, and located in an area where a tornado occurred within the current or three (3) previous fiscal years. Each constructed shelter must comply with HUD's standards for construction and safety, and it must be of sufficient size to accommodate all residents of the manufactured housing park at one time.

The bill further stipulates that an operational warning siren, which ensures adequate notice of a tornado, must be located within a neighborhood where the shelter is located or within 1,500 feet of a manufactured housing park. The final provision authorizes $5 million in appropriations for FY 2004.

In light of the recent devastating tornadoes in the South and Midwest, this legislation is not only timely, but also pertinent. As many of you may know, the tornado season began in early March and continues through early summer. Mr. Bachus has often said that in the face of a tornado threat we can do two things—pray and prepare. Pray it won't happen again and prepare for the next line of twisters.

While the citizens can pray, our government and this Congress can help them prepare. I would encourage members to support this legislation and I urge its final passage.

Mr. OXLEY. Mr. Speaker, I appreciate the opportunity to support H.R. 23—''The Tornado Shelters Act,'' introduced by my Colleague, the Gentleman from Alabama, Mr. BACHUS.

The legislation would permit the use of CDBG (Community Development Block Grant) funds to construct or enhance tornado shelters in manufactured housing communities or for residents of manufactured housing.

Mr. Speaker, while my area of the country suffers outbreaks of tornadoes, it is far from ''Tornado Alley'' located in other parts of the Midwest and the Deep South. Therefore, I understand and appreciate the urgency to pass this legislation.

As many of you may know, the tornado season started in early March and usually continues through July.

In this calendar year-2003, 54 people have died from 18 tornadoes, with the two worst in Tennessee and Missouri on May 4th with 11 and 8 fatalities, respectfully.

In 2002, 55 people died from tornadoes.

The biggest outbreak of tornadoes occurred on April 3 and 4, 1974, and 147 tornadoes touching down in 13 U.S. states. The outbreak killed 310 in the U.S., 8 in Canada, with 5,454 U.S. injuries and 23 hurt in Canada. Forty-eight of the tornadoes were killers. Seven produced damage rated F5—the maximum possible—and 23 more were rated F4. This was one of only two outbreaks with over 100 confirmed tornadoes, the other being with Hurricane Beulah in 1967 (115 tornadoes).

The most destructive tornado in history was the Bridge Creek-Moore-Oklahoma City-Midwest City, OK, tornado of May 3, 1999, with over $1 billion in damage, both in absolute amount and normalized to 1999 dollars.

Community tornado shelters are excellent ideas for apartment complexes, schools, mobile home parks, factories, office complexes and other facilities where large groups of people live, work or study.

I am struck by the words of my colleague from Alabama, the site of far too many of these killer storms. Mr. BACHUS says that in the face of the tornado threat we can do two things—pray and prepare. Pray it won't happen again, and prepare for the next line of twisters.

While the citizens can pray, our government can help us prepare. This common-sense legislation would allow communities to build or improve tornado shelters in manufactured housing communities.

Mr. Speaker, I support this legislation and thank Mr. BACHUS for his leadership.

I urge passage of this legislation.

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

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 23, as amended.

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

A motion to reconsider was laid on the table.

IMPROVING THE UNITED STATES CODE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1437) to improve the United States Code.

The Clerk read as follows:

H. R. 1437

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

SECTION 1. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) PURPOSE.—The purpose of this Act is to improve the United States Code by making necessary technical changes.

(b) NO SUBSTANTIVE CHANGE.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

(c) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 2. TECHNICAL CHANGES IN PUBLIC LAW 107–217.

(a) TECHNICAL CHANGES IN SCHEDULE OF LAWS REPEALED.—The Schedule of Laws Repealed, which is contained in section 6(b) of Public Law 107–217 (116 Stat. 1304), is amended as follows:

(1) In the item related to the Act of May 29, 1920 (ch. 214, 41 Stat. 642, 654), insert ''on

p. 654'' after ''words in par. under heading 'Independent Treasury' ''.

(2) In the item related to the Act of September 9, 1940 (ch. 717, 54 Stat. 873), strike ''3d proviso'' and substitute ''last proviso''.

(3) In the item related to the Act of July 5, 1952 (ch. 576, 66 Stat. 385, 400), strike '', proviso on p. 400'' (in the Section column), '', 400'' (in the Page column), and '', 313–2'' (in the U.S. Code column) and insert, immediately below, ''578'' (in the Chapter or Public Law column), ''101 (proviso on p. 400)'' (in the Section column), ''66'' (in the Volume column), ''400'' (in the Page column), and ''313–2'' (in the U.S. Code column).

(4) In the item related to the Act of July 31, 1953 (ch. 299, 67 Stat. 290), strike ''4th proviso'' and substitute ''3d proviso''.

(5) In the item related to the Act of June 29, 1956 (ch. 479, 70 Stat. 447), strike ''par.'' and substitute ''proviso''.

(6) In the item related to the Act of August 6, 1973 (Public Law 93–83, 87 Stat. 216), strike ''2'' (in the Section column) and substitute ''2 'Sec. 525' ''.

(7) In the item related to the Act of March 12, 2002 (Public Law 107–149, 116 Stat. 66), shift to the right one column the matter in the Section, Volume, and Page columns and insert, in the Section column, ''1–13''.

(8) Insert the following items:

SCHEDULE OF LAWS REPEALED

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1935					
July 8	374	1 (matter classified to 40:26)	49	469	26
1936					
Apr. 17	233	1 (matter classified to 40:26)	49	1224	26
1942					
Sept. 9	558	1	56	750	174f
		2	56	751	174f note
		3	56	751	174g
		4	56	751	174h
		5	56	751	174i
		6	56	751	174j
		7	56	751	174f note
1943					
July 12	215	1 (matter classified to 40:435)	57	425	435
1944					
June 28	296	1 (matter classified to 40:435)	58	456	435
1945					
May 5	109	1 (matter classified to 40:435)	59	160	435
1946					
June 22	445	1 (matter classified to 40:435)	60	292	435
July 30	698	1	60	711	436
		2	60	711	437
		3	60	711	438
		4	60	712	439
1947					
July 30	358	306 (matter classified to 40:19 note)	61	584	19 note
1949					
June 30	286	201 (matter classified to 40:284)	63	373	284
1950					
May 3	152	2	64	98	440
		3	64	99	441
		4	64	100	442
		5	64	100	443
		6	64	100	444
1953					
July 30	282	108	67	231	459
1954					
July 22	560	101 (related to redesignation of former ''Sec. 411'' as former ''Sec. 412'')	68	518	298a note
		101 (related to new ''Sec. 411'')	68	518	356
		102	68	521	357
		103	68	521	356 note
Aug. 2	649	804	68	643	459
1955					
July 12	331	(related to redesignation of former ''Sec. 412'' as ''Sec. 413'')	69	297	298a note
		(related to new ''Sec. 412'')	69	297	356a
Aug. 5	568	101 (matter classified to 40:166b note)	69	515	166b note
		101 (matter classified to 40:166b–1)	69	515	166b–1
1956					
June 27	452	201 (matter classified to 40:459 note)	70	353	459 note
July 9	525	1	70	510	356
1957					
July 1	85–75	101 (matter classified to 40:166b–1)	71	251	166b–1
1961					
Aug. 10	87–130	101 (matter classified to 40:166b–1)	75	329	166b–1
1965					
Mar. 9	89–4	203			40 App.:203
		204			40 App.:204
		205			40 App.:205
1976					
Oct. 18	94–541	101	90	2505	601 note
		102	90	2505	601a
		103(1), (2)	90	2505	606
		103(3) (related to ''Sec. 12(d)'')	90	2506	611
		103(3) (related to ''Sec. 12(e)'')	90	2506	490
		103(3) (related to ''Sec. 12(c)'')	90	2506	611
		104	90	2506	490
1979					
Oct. 12	96–86	101(c) [H.R. 4390, title I (matter classified to 40:166a)]	93	657	166a
1990					
Nov. 5	101–509	625	104	1476	490b note
1991					
Oct. 28	102–141	604	105	868	490b note
1992					
Oct. 6	102–393	604	106	1766	490b note
1993					
Oct. 28	103–123	603	107	1259	490b note
1994					
Sept. 30	103–329	603	108	2416	490b note
1995					
Nov. 19	104–52	603	109	497	490b note

SCHEDULE OF LAWS REPEALED—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1996					
Sept. 30	104–208	101(f) [title VI, § 603]	110	3009–353	490b note
1997					
Oct. 10	105–61	603	111	1308	490b note

REVISED STATUTES

Revised Statutes Section	United States Code	
	Title	Section
355	40	255
1797	40	19
1800	40	45
1801	40	48
1802	40	54
1803	40	56
1804	40	57
1805	40	55
1807	40	46
1808	40	47
1809	40	49
1810	40	51
1811	40	52
1812	40	50
1818	40	66
1819	40	192
1830	40	102
1835	40	221
3750	40	301
3751	40	306
3752	40	305
3753	40	308
3754	40	309
3755	40	310

(b) REVIVAL OF CERTAIN PROVISIONS.—Section 6(b) of Public Law 107–217 (116 Stat. 1304) is repealed insofar as it relates to the provisions listed below, and the provisions listed below are revived to read as if section 6(b) had not been enacted:

(1) Section 1(a) of the Act of June 30, 1949 (ch. 288, 63 Stat. 377).

(2) Section 509(b) of the Department of Education Organization Act (Public Law 96–88, 93 Stat. 695).

(3) Public Law 101–427 (104 Stat. 927).

(4) Section 7306 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355, 108 Stat. 3384).

SEC. 3. TECHNICAL CHANGES IN TITLE 40, UNITED STATES CODE.

Title 40, United States Code, is amended as follows:

(1) In section 3304(b), insert ‘‘, by purchase, condemnation, donation, exchange, or otherwise,’’ after ‘‘may acquire’’.

(2) In section 5107, strike ‘‘5105, 5105’’ and substitute ‘‘5105, 5106’’.

SEC. 4. CONFORMING CROSS-REFERENCES.

(a) TITLE 5.—In section 5334(a) (matter after cl. (7)) of title 5, United States Code, strike ‘‘section 106(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)’’ and substitute ‘‘section 14306(a)(2) of title 40’’.

(b) TITLE 10.—Title 10, United States Code, is amended as follows:

(1) In section 2194(b)(2)—

(A) insert ‘‘subtitle I of title 40 and title III of’’ before ‘‘the Federal’’; and

(B) strike ‘‘(40 U.S.C. 471 et seq.)’’ and substitute ‘‘(41 U.S.C. 251 et seq.)’’.

(2) In section 2225(b)(9), strike ‘‘sections 5122 and 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1422, 1423)’’ and substitute ‘‘sections 11312 and 11313 of title 40’’.

(3) In section 2305a(c)(1), strike ‘‘the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.)’’ and substitute ‘‘chapter 11 of title 40’’.

(4) In section 2667(b)(5), as amended by section 3(b)(12)(B) of Public Law 107–217 (116 Stat. 1296), strike the comma appearing after ‘‘of title 40’’.

(5) In section 4553(d), strike ‘‘Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b),’’ and substitute ‘‘Section 1302 of title 40’’.

(6) In section 7422(c)(1) (matter after cl. (D)), strike ‘‘lands’ within the meaning of that Act’’ and substitute ‘‘land’ within the meaning of those sections’’.

(7) In section 9781(g), as amended by section 3(b)(40)(C) of Public Law 107-217 (116 Stat. 1298)—

(A) strike ‘‘subtitle III of the Federal Property and Administrative Services Act of 1949’’ and substitute ‘‘title III of the Federal Property and Administrative Services Act of 1949’’; and

(B) strike ‘‘. (41 U.S.C. 251 et seq.)’’ and substitute ‘‘(41 U.S.C. 251 et seq.).’’.

(c) TITLE 13.—In section 15 of title 13, United States Code, strike ‘‘; 40 U.S.C. 278a’’.

(d) TITLE 23.—In section 104(a)(1) of title 23, United States Code, strike ‘‘section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)’’ and substitute ‘‘section 14501 of title 40’’.

(e) THE INTERNAL REVENUE CODE OF 1986.—In section 7608(c)(1)(A)(i)(IV) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(c)(1)(A)(i)(IV)), as amended by section 3(f) of Public Law 107–217 (116 Stat. 1299), strike ‘‘title 40’’ and substitute ‘‘title 40, United States Code’’.

(f) TITLE 31.—Title 31, United States Code, is amended as follows:

(1) In section 1105(g)(2)(B)(ii), as amended by section 3(h)(3) of Public Law 107–217 (116 Stat. 1299), insert ‘‘section’’ before ‘‘1102 of title 40’’.

(2) In section 9303(d)(1), as amended by section 3(h)(9)(B)(i) of Public Law 107–217 (116 Stat. 1300), strike the comma appearing after ‘‘sections 3131 and 3133 of title 40’’.

(g) TITLE 35.—In section 2(b)(4)(A) of title 35, United States Code, strike ‘‘the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Public Buildings Act (40 U.S.C. 601 et seq.),’’ and substitute ‘‘subtitle I and chapter 33 of title 40, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.),’’.

(h) TITLE 36.—Section 2113 of title 36, United States Code, is amended as follows:

(1) In subsection (a)(2), strike ‘‘(40 U.S.C. 1003 note)’’ and substitute ‘‘(40 U.S.C. 8903 note)’’.

(2) In subsection (c)(1), strike ‘‘section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))’’ and substitute ‘‘section 8906(b) of title 40’’.

(3) In subsection (e), strike ‘‘section 8 of the Commemorative Works Act (40 U.S.C. 1008)’’ and substitute ‘‘section 8906 of title 40’’.

(4) In subsection (h)—

(A) strike ‘‘section 10 of the Commemorative Works Act (40 U.S.C. 1010)’’ and substitute ‘‘section 8903(e) of title 40’’; and

(B) strike ‘‘(40 U.S.C. 1003 note)’’ and substitute ‘‘(40 U.S.C. 8903 note)’’.

(i) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) In section 8162(a)(3), as amended by section 3(j)(5)(B) of Public Law 107–217 (116 Stat. 1301), strike the comma appearing after ‘‘of title 40’’.

(2) In section 8165(c), as amended by section 3(j)(6) of Public Law 107–217 (116 Stat. 1301), strike the comma appearing after ‘‘of title 40’’.

(j) TITLE 39.—Section 410(d) of title 39, United States Code, is amended as follows:

(1) In paragraph (1), strike ‘‘section 276a of title 40’’ and substitute ‘‘section 3142 of title 40’’.

(2) In paragraph (2), strike ‘‘section 276c of title 40’’ and substitute ‘‘section 3145 of title 40’’.

(k) TITLE 49.—In section 40110(d)(2) of title 49, United States Code—

(1) strike clause (G);

(2) redesignate clause (H) as clause (G); and

(3) in clause (G) as redesignated, strike ‘‘subparagraphs (A) through (G)’’ and substitute ‘‘subparagraphs (A) through (F)’’.

SEC. 5. EFFECTIVE DATE.

This Act and amendments and repeals made by this Act are effective August 21, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1437.

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

There was no objection.

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

Mr. Speaker, I introduced H.R. 1437 on March 25, 2003, along with the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS).

The Office of Law Revision Counsel of the House of Representatives has prepared this bill and submitted it to the Committee on the Judiciary under Section 285(b) of Title 2, United States Code. Pursuant to Rule X of the House of Representatives, the Committee on the Judiciary maintains jurisdiction over the revision codification of statutes of the United States.

Last year, the House passed by voice vote H.R. 2068 which codified, without substantive change, certain general and permanent laws relating to Public Buildings, Property, and Works of Title 40 of the United States Code.

After Senate passage, H.R. 2068 was signed into law as Public Law 107–217 on August 21, 2002. H.R. 1437 makes necessary technical and conforming changes to Public Law 107–217 and Title 40 of the United States Code, and it does not change the substance of the existing law.

I am not aware of any controversy with respect to this bill, and I would encourage all Members to support it.

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

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

Mr. Speaker, I note that H.R. 1437 does indeed, as the chairman has indicated, make technical corrections to the United States Code that were suggested by the Office of Law Revision Counsel. None of the changes are substantive. No one on the Committee on the Judiciary on either side of the aisle had any objections to this bill. I support the legislation and would urge its swift passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1437.

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

A motion to reconsider was laid on the table.

AMENDING THE PROTECT ACT TO CLARIFY CERTAIN VOLUNTEER LIABILITY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1280) to amend the PROTECT Act to clarify certain volunteer liability.

The Clerk read as follows:

S. 1280

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

SECTION 1. AMENDMENT TO THE PROTECT ACT.

Section 108 of the PROTECT ACT (Public Law 108–21) is amended by adding at the end the following:

''(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

''(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

''(2) alleging harm arising from a decision based on the information in an individual's criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual's criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser crime than that for which the individual was arrested; and

''(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1280.

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

There was no objection.

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

Mr. Speaker, when the House passed S. 151, the PROTECT Act, which was signed into law by President Bush on April 30, 2003, we directed the Attorney General to establish a pilot program to perform background checks on individuals that volunteered to work with children.

The pilot project, among other things, requires the National Center for Missing and Exploited Children to act as a liaison between several volunteer organizations that work with children in the FBI. Under the pilot project, the Center will receive from the FBI background check information on individuals seeking to volunteer with children and make a determination as to the suitability of those individuals for volunteer organizations.

This legislation seeks to correct an oversight in that pilot project, which is scheduled to begin next week, a week from tomorrow on July 29, 2003. This legislation clarifies the Center's liability in connection with the pilot program in three specific situations and protects the Center from lawsuits in any one of three different situations except in cases where there is intentional misconduct or actions taken with actual malice.

First, the bill stipulates that the Center shall not be held liable for any act or communication that results in a decision that an individual is unfit to serve as a volunteer for any volunteer organization. The purpose of this program is to keep individuals who are potentially dangerous away from our children, and it needs to be clear that the Center will not be sued as a result of making this determination.

Second, this legislation also addresses the unfortunate situation where an individual with a criminal history may be cleared by the Center due to inaccurate or incomplete records and subsequently commits a crime in their capacity as a volunteer.

The hope is that this program will be 100 percent successful in keeping criminals away from our children. However, we must also acknowledge that the effectiveness of these background checks are predicated on the accuracy and completeness of the records the FBI relies upon. Unless the Center willfully ignores information indicating that an individual might be a potential danger, they should not be responsible for subsequent crimes committed by that individual.

The third and final section of this bill addresses the situation where a decision is made to clear an individual based on the absence of criminal history information. In this case, were the individual to subsequently commit a crime, the Center would be protected unless they knew that criminal history records existed and have not been furnished.

I urge my colleagues to expeditiously vote in favor of this legislation to ensure the smooth operation of this pilot project and the protection of the National Center for Missing and Exploited Children, and would point out that unless this bill is enacted into law by a week from Tuesday, the pilot project will be delayed.

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

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

Mr. Speaker, this is a technical amendment, it seems to me, to the PROTECT Act signed into law, as the chairman said, on April 30, and it merely clarifies the legal liability of the National Center for Missing and Exploited Children when it conducts background checks on volunteers that work with children.

The PROTECT Act, which I and 400 other Members of the House supported, creates this pilot project which the chairman has described; and the National Center for Missing and Exploited Children has been selected to conduct these checks on volunteers who work with children.

I think it is important that the pilot program will provide safeguards that ensure the volunteer consents to the background check and allows the volunteer to correct erroneous information in the criminal history database because we want accurate information and that is part of accuracy. But we also need to establish clear criteria for the circumstances in which an individual could be deemed unfit to volunteer to work with children.

This amendment simply clarifies that absent proof of knowing malicious or intentional conduct, the National Center for Missing and Exploited Children and its employees will not be liable for the actions they take in conducting these background checks in deciding whether an individual is fit to volunteer to work with children.

The other body passed this bill by unanimous consent, and I believe this

is a noncontroversial bill. I support the bill.

Since this is a pilot project, we will know in 18 months' time how things have worked, and we will have an opportunity to make further adjustments should they be warranted. I think it is important that we all support this act today so that we do not disrupt the beginning of the pilot project.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1280.

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

A motion to reconsider was laid on the table.

□ 1430

POSTMASTERS EQUITY ACT OF 2003

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2249) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes.

The Clerk read as follows:

H.R. 2249

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Postmasters Equity Act of 2003''.

SEC. 2. POSTMASTERS AND POSTMASTERS' ORGANIZATIONS.

(a) PERCENTAGE REPRESENTATION REQUIREMENT.—The second sentence of section 1004(b) of title 39, United States Code, is amended—

(1) by inserting ''that an organization (other than an organization representing supervisors) represents at least 20 percent of postmasters,'' after ''majority of supervisors,''; and

(2) by striking ''supervisors)'' and inserting ''supervisors or postmasters)''.

(b) CONSULTATION AND OTHER RIGHTS.—Section 1004 of title 39, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h)(1) In order to ensure that postmasters and postmasters' organizations are afforded the same rights under this section as are afforded to supervisors and the supervisors' organization, subsections (c) through (g) shall be applied with respect to postmasters and postmasters' organizations—

''(A) by substituting 'postmasters' organization' for 'supervisors' organization' each place it appears; and

''(B) if 2 or more postmasters' organizations exist, by treating such organizations as if they constituted a single organization, in accordance with such arrangements as such organizations shall mutually agree to.

''(2) If 2 or more postmasters' organizations exist, such organizations shall, in the case of any factfinding panel convened at the request of such organizations (in accordance with paragraph (1)(B)), be jointly and severally liable for the cost of such panel, apart from the portion to be borne by the Postal Service (as determined under subsection (f)(4)).''.

(c) DEFINITIONS.—Subsection (i) of section 1004 of title 39, United States Code (as so redesignated by subsection (b)(1)) is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (2) the following:

''(3) 'postmaster' means an individual who is the manager in charge of the operations of a post office, with or without the assistance of subordinate managers or supervisors;

''(4) 'postmasters' organization' means an organization recognized by the Postal Service under subsection (b) as representing at least 20 percent of postmasters; and

''(5) 'members of the postmasters' organization' shall be considered to mean employees of the Postal Service who are recognized under an agreement—

''(A) between the Postal Service and the postmasters' organization as represented by the organization; or

''(B) in the circumstance described in subsection (h)(1)(B), between the Postal Service and the postmasters' organizations (acting in concert) as represented by either or any of the postmasters' organizations involved.''.

(d) THRIFT ADVISORY COUNCIL NOT TO BE AFFECTED.—For purposes of section 8473(b)(4) of title 5, United States Code—

(1) each of the 2 or more organizations referred to in section 1004(h)(1)(B) of title 39, United States Code (as amended by subsection (b)) shall be treated as a separate organization; and

(2) any determination of the number of individuals represented by each of those respective organizations shall be made in a manner consistent with the purposes of this subsection.

SEC. 3. EFFECTIVE DATE.

The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2249, the Postmasters Equity Act, was introduced by my colleague, the gentleman from New York (Mr. MCHUGH). The gentleman chairs the Committee on Government Reform's Special Panel on Postal Reform and Oversight and has been a leader in Congress on postal issues. I am proud to support this legislation along with the members of this special panel, as well as the chairman and ranking member of the full committee, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN).

Mr. Speaker, H.R. 2249 affords postmasters the same options given to postal supervisors when negotiating pay and benefits with the U.S. Postal Service. This bill would extend to postmasters and nonunion postal employees the fact-finding procedures already established under current law for postal supervisors. The fact-finding process allows for an unbiased review of issues in dispute during negotiations, as well as the ability to issue nonbinding recommendations to resolve those issues. Currently, without this right, postmasters lack any form of recourse when pay talks under the consultation process fail.

Mr. Speaker, this bill is a matter of fairness. Postmasters deserve the same option available to postal supervisors, and the bill would produce an improved and fair consultation process. Frankly, I think it is a change most of us feel is long overdue.

The Committee on Government Reform believes adding a fact-finding option to the consultation process for postmasters will help strengthen their role in improving the quality of mail service for postal patrons and also in managing local post offices. Their role has been eroded over the years, especially for postmasters at small- and medium-sized post offices who serve as front line managers.

The Nation's two postmasters' organizations, the National League of Postmasters and the National Association of Postmasters of the United States, support this legislation.

The Postal Service Reorganization Act of 1970 created a consultative process for postmasters and other nonunion postal employees to negotiate pay and benefits but did not include postmasters in a fact-finding process subsequently provided to other management. Postmasters are often the heart and soul of the community. In many cases, they are the community's only link to the Federal Government.

Mr. Speaker, it is important that we do what we can to support their work in the 38,000 post offices across the country. I am pleased that the House is considering this bill today.

Therefore, Mr. Speaker, I commend the gentleman from New York for introducing H.R. 2249 and urge its passage, and I would also obviously commend the gentlewoman from the District of Columbia (Ms. NORTON), who is a very active person on issues dealing with labor and management issues.

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

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

I want to thank my good friend, the gentleman from Connecticut (Mr.

SHAYS), for the work he has done on this bipartisan bill. It is an important and good bill that encourages the kinds of problem-solving and labor management relations that I am sure the whole House would want to embrace.

H.R. 2249 was introduced on May 22, 2003, by the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS). This measure would amend chapter 10 of title 39, U.S.C., to include postmasters and postmasters; organizations in the process for the development and planning of pay policies and benefits.

H.R. 2249 is cosponsored by the entire Committee on Government Reform Special Panel on Postal Reform and Oversight. On June 17, the Senate Government Affairs Committee unanimously approved S. 678, the Postmasters Equity Act of 2003, and on June 19, the House Committee on Government Reform reported H.R. 2249 out of committee on a voice vote.

During the 96th Congress, President Carter signed into law legislation creating a fact-finding process for resolving disputes over pay and benefits and to make recommendations to the postal service. It did not provide for arbitration of the disputes and the recommendations were not binding on the Postmaster General. However, the law only applied to postal supervisors, not postmasters.

H.R. 2249 would extend to the postmasters the option of a fact-finding panel to make nonbinding recommendations to the postal service. Currently, when pay and benefit discussions between the postal service and postmasters fail, postmasters have no recourse and have to accept what is offered by the postal service. Passage of H.R. 2249 would bring consistency in the manner by which two categories of postal managers negotiate with the postal service over pay and benefits.

Mr. Speaker, I urge swift adoption of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 2249.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THERE SHOULD BE ESTABLISHED A NATIONAL COMMUNITY HEALTH CENTER WEEK

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 240) expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

The Clerk read as follows:

H. RES. 240

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 9 people of color, and 1 of every 10 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to almost 750,000 homeless persons and nearly 850,000 farmworkers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 60,000 community residents; and

Whereas the establishment of a National Community Health Center Week for the week beginning on August 10, 2003, would raise awareness of the health services provided by these health centers: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

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

Mr. Speaker, House Resolution 240, introduced by my distinguished colleague, the gentleman from Illinois (Mr. DAVIS), commends the invaluable work of community health centers across the country.

As the text of this resolution states, there are over 1,000 health centers in the U.S. that provide outstanding health-related services to primarily low-income individuals. The vast majority of these care centers welcome all patients, regardless of their health coverage or ability to pay. Patients pay what they can afford at these facilities, and virtually no one in need is ever turned away. Those who seek help receive first-rate care at a fraction of the standard cost.

In addition to patient fees, community health centers are supported by Federal grants and contributions from State and local governments, Medicare, and private interests.

On behalf of the House, I want to join with the gentleman from Illinois and the gentlewoman from the District of Columbia (Ms. NORTON) in praising the compassionate work of the thousands of employees and volunteers at community health centers across our great Nation. These care givers help so many, and this resolution intends to recognize their selfless efforts.

In addition, I hope the House's consideration of House Resolution 240 today will raise awareness of the services provided by the community health centers to all Americans who seek high-quality health care.

Therefore, Mr. Speaker, I commend the gentleman from Illinois for introducing House Resolution 240. I urge all Members to support its adoption.

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

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

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

Ms. NORTON. Mr. Speaker, I want to join my good friend, the gentleman from Connecticut (Mr. SHAYS), in speaking strongly for this measure introduced by the gentleman from Illinois (Mr. DAVIS).

As we have discussed prescription drugs for our seniors on the House floor, some of the main points of discussion have been issues like affordability, accessibility, and who is being served. Just as the bill that was passed last Congress and this Congress, there will be individuals who cannot afford their prescriptions or some who will not have access to them. Fortunately, I know that there are community health centers available throughout the Nation to help those in need or who become displaced by health care legislation.

Community health centers have been the safety net within the health care system, caring for one out of every five low-income babies born in America; one out of every eight uninsured individuals; one out of every nine Medicaid beneficiaries; one out of every nine persons of color; one out of every 10 rural Americans; almost 750,000 homeless; and nearly 850,000 farm workers. Community health centers are established in almost every corner of our Nation representing every aspect of every congressional district, whether it be assisting the working poor and the inner city or in the rural farm land, migrant workers, or even those who have insurance but do not have access to any other health care facilities.

By establishing a week to raise awareness of community health centers, we will also be highlighting each year the great accomplishments of these nonprofit, community-owned and -operated health providers. With recent numbers indicating that the Nation's uninsured population is even higher than we once thought, a startling 60 million, if our Nation will not realize the need for universal health care, we need to at least realize the importance and the need to better fund our community health centers.

In addition, health centers provide approximately 60,000 jobs to the residents in the communities of the centers.

Mr. Speaker, community health centers are the safety net that is committed to serving all individuals with the mission that everyone deserves quality health care service regardless of where one resides. Even if the person can pay or has insurance, these centers are available. They are vital in ensuring that America's forgotten are being kept healthy.

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

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

I have no further speakers, but I would like to make a few additional comments.

I strongly support community health centers, and I have always been impressed with the work performed by these centers and have found it very effective for us to support increasing the resources available to them. These centers have made wonderful contributions to the urban areas in, for instance, Connecticut's Fourth Congressional District, which I represent.

The care they provide is as good or better than care many patients with more comprehensive coverage receive. These community health centers served over 12 million people in the United States in 2001, 66 percent of whom lived below the poverty level and approximately 5 million of whom lack any health insurance.

There are over 3,000 centers in rural and urban communities throughout the country which provide quality, cost-effective primary and preventative care for low-income, uninsured and underinsured patients. By preventing costly hospitalizations and less frequent use of emergency care for routine services, it is estimated health centers save the health care delivery system over $6 billion annually in reduced use of costly hospital emergency room, specialty, and inpatient care.

Last year, Congress, and I think this is very important, reauthorized the community health center program. The legislation we passed aimed to add another 1,200 new and expanded centers over the next 5 years and doubled the number of patients who receive care in these clinics. This directly addresses the challenge of providing health insurance to the 41 million Americans who lack it, allowing the program to serve approximately one-fourth of that number, 10 million uninsured people.

So by passing H.R. 2660, the fiscal year 2004 Labor-Health and Human Services-Education Appropriations Act 2 weeks ago, Congress continued working towards the program's doubling.

Mr. BEREUTER. Mr. Speaker, this Member wishes to add his strong support for H. Res. 240, expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

This Member would like to commend the distinguished gentleman from Virginia (Mr. TOM DAVIS), the Chairman of the House Government Reform Committee, and the distinguished gentleman from California (Mr. WAXMAN), the ranking member of the House Government Reform Committee, for bringing this important resolution to the House Floor today. This Member would also like to commend the distinguished gentleman from Illinois (Mr. DAVIS) for sponsoring H. Res. 240 and for his personal interest in protecting and strengthening access to health care services for all under-served Americans.

On June 18, 2003, the U.S. Department of Health and Human Services notified this Member that the Peoples' Health Center of Lincoln, Nebraska, has been awarded a $650,000 grant to establish a Federally Qualified Community Health Center. This will be the first Community Health Center in the First Congressional District of Nebraska.

This Member's congressional district has not had a Community Health Center for far too long and I believe one is essential as residents of this locality are in great need of access to comprehensive preventive and primary health care services.

This Member and his staff have been working for more than one year with the Peoples' Health Center Steering Committee to obtain funding for the Community Health Center, which will serve a significant number of residents of Lincoln and Lancaster County. This Member requested support for the Health Center from the Health Resources and Services Administration and subsequently testified before the Labor, Health and Human Services, and Education Appropriations Subcommittee to express his strong support for an appropriation of $830,000 to support the construction of the Peoples' Health Center.

Construction of the Peoples' Health Center will take place in two phases: Phase I (a west building) and Phase II (an east building). Phase I is being funded entirely with local funds. The funding this Member requested from the Subcommittee would be used for Phase II which will allow for the construction of an 8,300 square foot building which will be attached to the current Phase I building. Three dental operatories and expanded dental staff areas will be included in Phase II of the building. Space for a small radiology room, expanded offices for mental health and substance abuse counselors, as well as expanded conference and training space for health education and promotion is also planned for the Phase II building. Expanded medical services will be provided by moving existing administrative staff from the Phase I building into the Phase II building. This will result in approximately 2,500 new dental patients, 1,800 new behavioral health patients, and 2,500 primary medical patients.

The People's Health Center would not have happened without the leadership of the Lincoln-Lancaster County Health Department under the direction of Mr. Bruce Dart. Mrs. Judy Halstead, of the Lincoln-Lancaster County Health Department, has been instrumental in leading the 'Peoples' Health Center Steering Committee. Additionally, Ms. Charlotte Liggett from St. Elizabeth Regional Medical Center and Mr. Brad Sher of BryanLGH HealthSystem have served on the Peoples' Health Center Executive Committee and helped secure the significant hospital contributions for the Health Center. Numerous other individuals and organizations spent a significant amount of time and energy on the project. This Member commends all involved in the project for their extraordinary efforts and dedication to providing uninsured and underinsured with access to health care services.

This Member has met with the Steering Committee several times in the past year to discuss their plans. Certain members of the Steering Committee also visited his Washington office to show him the plans, and accompanied this Member's staff to an urban Community Health Center in Washington, DC. Mr. Craig Kennedy and Ms. Lisa Cox of the National Association of Community Health Centers were most helpful in planning this visit. A staff member of this Member's Washington, DC. office, Ms. Michelle Spence, has played a very important role in assisting the

Lincoln effort and in promoting their case successfully within the Federal agency, and this Member commends her for her outstanding effort.

The Peoples' Health Center will be built on 27th and Y streets in Lincoln. The buildings that existed on that land have been demolished and a shell for the health center currently exists. Construction and dry walling has just begun. It is expected that the Health Center will open on September 30, 2003.

The proposed target population will include approximately 47,000 Lincoln and Lancaster County residents, including more than 50 percent with incomes below 200 percent of the Federal poverty level, 36 percent uninsured, and 24 percent minority residents. It is anticipated that the patients using the health center will include 40 percent Medicaid eligible, 40 percent uninsured/sliding fee, 10 percent Medicare, and 10 percent other third party pay.

The resolution before us today expresses the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

It is this Member's hope that the establishment of the Peoples' Health Center of Lincoln will raise awareness of the Health Centers program to Nebraska residents and that this Center would participate in National Community Health Center Week if one were established.

Mr. Speaker, in closing, this Member urges his colleagues to support H. Res. 240.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 240 to establish a National Community Health Center Week. I am pleased that we take this time to acknowledge the important services offered by community, migrant, public housing, and homeless community health centers.

At a time when over 40 million Americans lack access to comprehensive health care, community health centers across the country are left to fill the growing void in health service provision. The existing gap in health coverage has placed considerable demands on local health centers to extend health coverage far beyond their financial and logistical means. Unfortunately, the other party's tax cuts have continued to hurt the funding of these health centers and their ability to extend services.

These health centers have made patient care their highest priority and are therefore dedicated to providing affordable care without sacrificing the quality of health services. Community health centers generally provide comprehensive primary health care for adults, children, and families, living in both rural and urban areas. The centers serve those who experience financial, geographic, and/or cultural barriers to care. Migrant health facilities attempt to offer a broad range of health services to migrant and seasonal farm workers and their dependents. Public housing centers offer preventative and primary health care services to improve the status of residents in the public housing system. Homeless health centers provide outreach and case management services, along with medical, dental, mental health, and substance abuse counseling and treatment to homeless individuals. These local and community health centers work tirelessly to ensure patient satisfaction through vigilant awareness of community and patient needs and full utilization of community partnerships and resources.

Community health centers across the country are not only to be commended for the quality of the services they provide but for their willingness to operate in under-served communities. In such communities, resources are often limited and staff responsibilities often exceed realistic expectations. For instance, those who work in health centers for the homeless, in addition to providing a haven for persons without residence, are likely to fill the role of substance abuse counselors and mental health support workers for this marginalized population. Community health providers wear these multiple hats not because they have been told to do so, but because they in fact recognize the multiple burdens that plague many of our low-income populations.

Millions of Americans rely on the services provided in our local health centers. Therefore, it is critical that we not forget the immense work being done on the ground to secure the health and well being of the poor and underserved in our districts. It is for this reason that I am an ardent supporter for the establishment of a National Community Health Center Week. I urge my colleagues to also extend their support for H. Res. 240 on behalf of the courageous, civic-minded work being done in our local communities. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 240.

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

A motion to reconsider was laid on the table.

HONORING 10 COMMUNITIES SELECTED TO RECEIVE 2003 ALL-AMERICA CITY AWARD

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 230) honoring the 10 communities selected to receive the 2003 All-America City Award.

The Clerk read as follows:

H. CON. RES. 230

Whereas the All-America City award is the oldest and most respected community recognition program in the Nation;

Whereas for 54 years the National Civic League has encouraged and recognized civic excellence by honoring communities of all sizes where business, citizens, voluntary organizations, and governments work together to address critical issues;

Whereas the All-America City Award recognizes exemplary grassroots community-oriented problem-solving, and is given to communities that confront challenges and achieve results cooperatively; and

Whereas more than 4000 communities have competed and nearly 500 communities have been named All-America Cities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress honors the cities of Laurinburg, North Carolina; Tempe, Arizona; New Haven, Connecticut; Miami Beach, Florida; Des Moines, Iowa; Marquette County, Michigan; Wilson, North Carolina; South Sioux City, Nebraska; Corpus Christi, Texas; and the Greater Racine Area, Wisconsin, on receiving the National Civic League 2003 All-America City Award.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

□ 1445

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 230, introduced by my distinguished colleague, the gentleman from the State of North Carolina (Mr. HAYES), honors the great All-American communities of Laurinburg, North Carolina; Tempe, Arizona; New Haven, Connecticut; Miami Beach, Florida; Des Moines, Iowa; Marquette County, Michigan; Wilson, North Carolina; South Sioux City, Nebraska; Corpus Christi, Texas; and the Greater Racine Area of Wisconsin. These 10 cities earned the 2003 All-American City Award. This award is given every year by the National Civic League.

Established in 1894, the National Civic League is the Nation's oldest community advocacy organization. And, in fact, the All-American City Award is the oldest community recognition award in the U.S. For 53 years, this honor has recognized cities whose citizens are the most cooperative and involved in identifying and addressing community-wide challenges in their area.

Ten cities are chosen each year, and this year's honorees are very deserving. Each of these 10 cities has demonstrated, among other qualities, effective local government, an outstanding philanthropic and volunteer base, intercommunity cooperation, and strong citizen relations.

Therefore, Mr. Speaker, I commend Laurinburg, Tempe, New Haven, Miami Beach, Des Moines, Marquette County, Wilson, South Sioux City, Corpus Christi, and the Greater Racine Area for their awards, and the gentleman from North Carolina for introducing House Concurrent Resolution 230.

I urge all Members to support its adoption.

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

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

Mr. Speaker, the All-American City Award, a 53-year-old program of the National Civic League recognizing civic excellence, annually honors 10 communities that best exemplify the spirit of grass-root citizen involvement and cross-sector collaboration on problem solving. Since the program began in 1949, more than 4,000 communities have competed and nearly 5,000 communities have been named All-American cities.

The recipients of this area's awards, which range from Anchorage, Alaska, to Elgin, Illinois, to Hampton, Virginia, symbolize the backbone of our Nation, the ability of citizens, government, business, and the nonprofit sector to come together and effectively address their local issues and produce tangible results.

The first recipients of the awards were often those that demonstrated local government reform and efficiency, as well as improvements in the city's infrastructure, including housing, public works, and education.

More recently, the focus has shifted to broader community initiatives, such as economic development, health and social service projects and efforts to improve race relations.

I commend all 10 recipients of this year's All-American City Award for working tirelessly to make this country a better place to work and live.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise today as an original cosponsor in strong support of H. Con. Res. 230, a resolution honoring the 10 U.S. communities selected to receive the All-America City Award. This Member is proud to note that South Sioux City, which is located in the First Congressional District of Nebraska, received this impressive designation.

South Sioux City is located on the banks of the Missouri River in northeast Nebraska. It is the home of many recent immigrants and refugees in addition to a population that has been there 4, 5, or 6 generations. It is a growing community with a population of almost 12,000, which is a 23 percent increase over the last census. It is part of the Sioux City metropolitan area, otherwise known as Siouxland, which is well known here on Capitol Hill for the annual steak dinner they host for all Members. They have been doing that for some 20 or 30 years.

South Sioux City has many accomplishments. Some interesting things the city has done recently include guaranteeing that all fifth through eighth grade students have a home computer; creating a youth council aimed at building youth leaders; creating a county-wide economic development committee; constructing a 15-field soccer complex that is very popular with their Hispanic American population, of course; and building the world's first ecopath using recyclables versus aggregate surfaces.

All of the citizens of South Sioux City are to be congratulated on this designation. The mayor, William McClarty; the city administrator, Lance Headquist, who always has a new effort for us to support; other city and school district employees, the chamber of commerce and many others played a role in this achievement. South Sioux City is a progressive community. It has had problems but, it has always tackled them straight on and been successful. I am very pleased that they have cooperated so well cross-culturally in their achievements. The leadership of South Sioux City is very proactive and skilled in pursuing opportunities for the city. As a result, they have been very successful.

Mr. Speaker, in closing I want to thank the gentleman from North Carolina (Mr. HAYES) for his initiative in bringing this resolution to the floor. With respect to the community that is in my district, I know that they are not going to rest on their laurels; they will continue to grow and excel in the future.

This Member urges his colleagues to vote ''aye'' on H. Con. Res. 230.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today to honor the people of Laurinburg, North Carolina, and the other nine recipients of the 2003 All-America City award. It has been my honor to represent the people of Laurinburg since I was first elected to represent the Eighth Congressional District of North Carolina. Through this role, I have been fortunate to forge many personal and close relationships with these folks and witness firsthand why they are a worthy recipient of this award. This really is an honor for me to be able to sponsor this legislation today. Through their hard work, the rest of America is getting to see the positive spirit of accomplishment that I have been able to witness over the years. The All-America City Award is a 54-year-old program sponsored by the National Civic League that recognizes civic excellence. The award is given annually to 10 communities that exemplify and display a positive spirit of grassroots involvement and collaborative problem-solving in an effort to better their community.

These communities that we recognize today exhibit the American spirit of hard work and cooperation as they seek to identify and meet community-wide challenges. Laurinburg is a community where citizens, businesses, schools, volunteers, and government officials work together to address these issues that are vitally important to their citizens. Laurinburg can and should take pride in the fact that they have been recognized by this national organization for their hard work. Truly, Laurinburg is a great example for other communities to emulate; and they seek to step up to the many challenges that face all communities, large or small.

In June of this year, the good people of Laurinburg sent over 100 delegates here to Washington, D.C., to participate in their All-America City finals presentation. The presentation included a bagpiper. Perhaps I should note here that Laurinburg can be found in Scotland County in North Carolina and is home to the Fighting Scots. They also brought a marching band and a group of their citizens who had crafted a fine production designed to showcase our shared feeling of community pride.

To get that far, Laurinburg representatives had first submitted a detailed application highlighting the city's three most pressing challenges: access to quality health care, affordable housing, and youth programs. The community is addressing these needs through Scotland County Memorial Hospital's mobile health unit, Habitat for Humanity's Providence Place Community, and the Youth Center Task Force, and many other efforts.

I am pleased to represent such a fine community where the citizens come together and work together to solve problems at a local level rather than waiting on someone else to fix things.

A wise man once said there are three types of people in this world, those who watch what happens, those who wonder what happened, and those who make things happen. Rest assured, the people of Laurinberg, North Carolina, are the type of people who make good things happen. It is my honor to represent these good people. It is my privilege to sponsor this legislation honoring the 2003 recipients of the All-America City Award.

Mr. STUPAK. Mr. Speaker, I would like to commend all 10 recipients of the 2003 All-America City Award, and Representative HAYES for bringing forth this resolution in their honor. I am especially supportive of this resolution because one of the honored recipients, Marquette County, Michigan, hails from my district of northern Michigan, lying on the southern shore of Lake Superior in Michigan's Upper Peninsula.

On June 14, 2003, Marquette County was selected as one of 10 communities in the United States to receive an All-America City designation from the National Civic League at a ceremony in Washington, DC.

I was privileged recently to personally congratulate the citizens of Marquette County for this achievement when I visited there on the 4th of July at the International Food Fest. This festival is yet another example of the diverse and worthy activities in which Marquette County excels.

The National Civic League has been recognizing civic excellence for 53 years and evaluates how well a community exemplifies grass roots citizens involvement and cross-sector problem solving requiring collaboration among

citizens, government, business and nonprofit organizations.

Marquette County was one of 30 candidates who sent hundreds of delegates to Washington to compete in hearings before 10 All-American City judges. The 40 delegates from Marquette presented vignettes of cultural life in current day Marquette and Marquette history, serenaded the judges, and wholly impressed the judges with their civic spirit.

The judges of this competition noted the Marquette County's presentation contained more substance then hype, according to Marquette Mining Journal managing editor David Edwards. They cited programs such as the Marquette Medical Care Access Coalition and Juvenile restorative justice efforts in announcing their decision.

Marquette's efforts were spearheaded by the lake Superior Community Partnership, whose chairman, Monsignor Louis Cappo, accepted the award in front of a cheering crowd.

This award shows how strong Marquette County's civic spirit is, and this resolution recognizes that excellence of achievement. The true measure of community is not necessarily coffee bars, good restaurants and well lit streets, although Marquette has all of these. Nor is it natural beauty and a close connection between people and their environment, although Marquette has that in huge measure.

Rather, the best example of true community is shown by Marquette County's programs that help people live happy, productive and engaged lives, supported by and supporting their neighbors. Marquette County's richness in these efforts made it possible for this small, thinly populated piece of God's Country to be named an All-America City in its very first attempt

I am pleased to be a co-sponsor of this resolution, and join my colleagues in congratulating Marquette County and all ten of the All-America Cities for their efforts and successes. It is a small token of recognition for a very large effort. All of Marquette County should be proud.

I certainly am. I ask that my House Colleagues join me in extending congratulations to Marquette County, and the nine other All-America Cities. Each city, each county, each community, helping each citizen, each individual effort taken as a whole, is what makes American great!

Mr. ORTIZ. Mr. Speaker, I rise in support of H. Con. Res. 230, commending the cities chosen as All America Cities; and I thank my friend, ROBIN HAYES of North Carolina, for introducing the resolution to officially commend the winners of this competition in the House of Representatives.

I join my colleagues in commending the City of Corpus Christi and other winners for the recent accomplishment of being recognized by the National Civic League as an All-America City. As a resident of Corpus Christi, I can wholeheartedly endorse the concept that Corpus Christ represents all the best in an American city.

Corpus Christi is a place where the pace is easy and the people are the best there is. It is peaceful and beautiful with beaches, military bases, and a vibrant business community.

Corpus Christi's presentation included our Juvenile Assessment Center (an organization that helps decrease juvenile crime), Forward Corpus Christi (an economic development organization), the Air Quality Group (Corpus Christi is the only major city in Texas to meet state and federal air quality standards), and a local Junior ROTC team.

One of the central components of our community is our military complex. We often say South Texas is ''Navy Country.'' Four separate bases are incorporated in the Corpus Christi area: an army base and three naval bases. The military presence in the area contributes 20 percent to our local economy.

Corpus Christi conveyed this pride in our military, and demonstrated the importance of our military community, by incorporating the nationally recognized efforts of the Flour Bluff Navy Jr. ROTC into the presentation.

It was the solemn and excellent presentation of the Jr. ROTC, which has won seven national titles for excellence, and which led the way for the city to win the recognition by the National Civil League as an All-America City. Corpus Christi is the only city in Texas to receive this distinct honor this year.

Mr. Speaker, I ask my colleagues to join me and the other co-sponsors of this resolution, all of whom are proud to live in an All-America City, in commending Corpus Christi and the other nine cities honored by the National Civic League.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 230.

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

A motion to reconsider was laid on the table.

WILLIAM J. SCHERLE POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (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.''

The Clerk read as follows:

S. 1399

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

SECTION 1. WILLIAM J. SCHERLE POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, and known as the Glenwood Main Office, shall be known and designated as the ''William J. Scherle Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 1399, introduced by the esteemed gentleman from Iowa, Senator HARKIN, redesignates 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.

Mr. Speaker, Congressman Bill Scherle of Iowa has lived a life that is worthy of commemoration by this House. He served four terms as a representative of the people of Iowa in this body, from 1967 to 1975, and prior to that he was a member of the Iowa State legislature for 6 years.

One of Congressman Scherle's most remarkable contributions in office was his determined work in freeing the crew of the USS *Pueblo,* which was captured by North Korea in January 1968. The North Koreans imprisoned and brutally tortured the members of the crew, and Congressman Scherle was the most outspoken leader in Congress on the crisis. Eventually, due largely to his leadership, all but one member of the crew, Richard Benden, was released and returned safely home.

In addition, Congressman Scherle took particular interest in rural issues, which were most important to his district's constituents. He was a farmer himself, as well as a businessman, which seems somewhat redundant because farmers have to be businessmen as well. But in addition to being a farmer/businessman, he was a businessman and a Republican Party official in his State prior to becoming an elected official.

Now retired, Congressman Scherle continues to live with his beloved wife, Jane, on their farm outside of Henderson, Iowa. I understand he enjoys spending as much time as he can with his six grandchildren.

I think it is pretty special, as well, that the Senator from Iowa has introduced this bill because he ran two House races against Bill Scherle. The first match-up in 1972 was won by Congressman Scherle, and the second time around, in 1974, the Senator from Iowa was victorious. The two have since become good friends, and after running two campaigns against each other, I think that is a refreshing commentary on both these dedicated public officials and the process.

I also want to recognize the gentleman from Iowa (Mr. KING) for his work on H.R. 2558, a virtually identical

piece of legislation introduced here in the House. I know he worked alongside the Senator from Iowa to recognize Bill Scherle in the Congress, and I commend him for his efforts as well.

Therefore, Mr. Speaker, I commend the Senator from Iowa for introducing S. 1399 that honors W.J. Scherle, as well as commending the gentleman from Iowa (Mr. KING). I urge all Members to support its passage.

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

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

I rise in support of S. 1399, a bill that would name a U.S. postal facility after W.J. Scherle. S. 1399 was introduced by Senator TOM HARKIN of Iowa on July 14, 2003, and passed unanimously by the Senate on July 17, 2003.

S. 1399 would name the Glenwood, Iowa, Post Office after W.J. Scherle, a former Member of Congress. Congressman Scherle was first elected to represent Iowa's Seventh Congressional District in 1967. After redistricting, Representative Scherle represented the Fifth Congressional District until 1974.

During his tenure in Congress, Representative Scherle served on the Committees on Education and Labor and Appropriations. Prior to serving in the Congress, Bill Scherle served in the Navy and Coast Guard during World War II, and then later in the Navy Reserve. He served as chairman of the Mills County Republican Party, and then went on to serve in the Iowa legislature for 6 years.

According to Senator HARKIN, the sponsor of this measure, Representative Scherle will particularly be remembered for leading the effort in Congress to release the crew of the U.S.S. Pueblo, which had been seized by North Korea in 1968.

Mr. Speaker, I urge the swift adoption of this bill.

Mr. KING of Iowa. Mr. Speaker, I am pleased to bring forth S. 1399, the William J. Scherle Post Office Building Redesignation Act, to honor the selfless service of a great Iowan, Bill Scherle. I want to thank the Iowa delegation in the House of Representatives for joining me and Senators HARKIN and GRASSLEY in supporting this well-deserved gesture to honor the service of a great American by their cosponsorship of my House version, H.R. 2758.

Mr. Scherle was born in Little Falls, New York in 1923. After serving this great country in the Second World War, Mr. Scherle attended Southern Methodist University and subsequently served in the United States Naval Reserve. After serving his country in the military, Mr. Scherle decided to engage in grain and livestock farming and settled in rural Mills County, Iowa. Mr. Scherle was elected to 3 consecutive terms in the Iowa House of Representatives.

In 1966, he was elected to his first of four terms in the United States House of Representatives. Bill was known as a watchdog of government waste who brought a keen eye for economic accountability to the Congress.

Bill was an outspoken and persistent voice for the members of the captured spy boat, the *Pueblo,* during 1968 when the boat and crew were captured by the North Koreans. Thanks to his daily reminders on the floor of Congress, the members of the Pueblo and their plight were kept at the forefront of the Congress' consciousness until they were released by the North Korean government.

Mr. Scherle promoted personal responsibility, agricultural growth and innovation, and was the embodiment of common sense conservatism during his tenure in this honorable House. After serving in the United States Department of Agriculture and as a consultant in Washington D.C., Mr. Scherle retired to Henderson, where he currently resides with his wife Jane.

Mr. Speaker, members of the House, please join me and the entire Iowa delegation in voting to designate the Glenwood, Iowa Post Office the William J. Scherle Post Office Building.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 1399.

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

A motion to reconsider was laid on the table.

ROBERT A. BORSKI POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2328) to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building.''

The Clerk read as follows:

H.R. 2328

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

SECTION 1. ROBERT A. BORSKI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, shall be known and designated as the ''Robert A. Borski Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2328, introduced by the gentleman from Pennsylvania (Mr. HOEFFEL), designates the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the Robert A. Borski Post Office Building.

Mr. Speaker, this legislation honors a devoted former Member of this body. Former Congressman Robert Borski preceded the gentleman from Pennsylvania as the U.S. Representative of Pennsylvania's Third District. The citizens of the Third District in Philadelphia elected Mr. Borski to the House 10 times before he retired after the 107th Congress.

He continues to be a good friend to all who worked in this House with him. It is a deserved tribute to Mr. Borski's public service that this post office be named after him, and I am pleased the House is considering this bill today.

Congressman Borski was most active on the House Committee on Transportation and Infrastructure, where he was the ranking Democratic member on the Subcommittee on Highways, Transit and Pipelines. He was also a member of the Democratic Whip operations, serving as the regional whip for Pennsylvania and Ohio.

Congressman Borski was known especially for his accessibility to his constituents. He frequently utilized the town hall meeting in his district to meet with his constituents firsthand. In addition, he always had at least two offices in Philadelphia to save constituents from traveling all the way to Washington.

Mr. Speaker, for all these reasons, I want to congratulate the gentleman from Pennsylvania for his work on this measure that honors Congressman Robert A. Borski. And just to say on a personal level, that I have had the honor to have worked with him for most of his 10 terms, and found him to be extraordinarily hard-working, very dedicated, very personable, not partisan, but clearly proud to be a Democratic Representative to this body.

It was a pleasure to serve with him. He is clearly deserving of this recognition.

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

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

Mr. Speaker, I will defer to the gentleman from Philadelphia to offer the remarks on this former member, but I do want to note that I served with Mr. Borski, and he was a Member who was particularly admired in the Committee on Transportation and Infrastructure where he was a leader and enjoyed the admiration of Members on both sides of the aisle in this body.

Mr. Speaker, I yield such time as he may consume to my the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I thank the gentlewoman from the District of Columbia for yielding me this time. And let me thank my good friend, someone who has ably led this Congress in a number of different fashions, but with whom I have worked closely on the Committee on Government Reform for many years, the gentleman from Connecticut (Mr. SHAYS).

Mr. Speaker, I appreciate this opportunity.

□ 1500

Mr. Speaker, I have had the honor of knowing Bob Borski for many years. When I was just some 23, 24 years of age, being elected to the State House in 1982, he was exiting the same chair that I was going to sit in, because he was on his way to Washington, leaving the State House and coming to represent the great city of Philadelphia and our Commonwealth, the Commonwealth of Pennsylvania here in Washington. And so I rise in support of H.R. 2328.

Congressman Borski served here for many, many terms representing, in particular, northeast Philadelphia; but his reach went far beyond that, for he rose to be one of the leading Members of this Congress on transportation issues. He worked to secure for Pennsylvania and for many other areas of our Nation the rightful resources that were necessary to improve and enhance our airports, particularly the Philadelphia International Airport, our ports, our waterways. Bob Borski worked tirelessly. He was, in my mind, the most effective Member of Congress on transportation issues that we have ever had from Philadelphia. He worked to expand I-95.

We could go through a lot, but one of the things I appreciated about Bob Borski was the human qualities. He stepped aside, for instance, so that I could go after a seat on the Committee on Appropriations when he was the more senior Member from our city, but he felt that he was going to have a fairly short career at that point and he thought it better that I go forward.

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

Mr. FATTAH. I yield to the gentleman from Connecticut.

Mr. SHAYS. I think you should get down on bended knees in gratitude to the gentleman for doing that.

Mr. FATTAH. And I have been on bended knees many, many times, for Congressman Borski was just extraordinarily helpful in my own career and in the careers of other younger Members. Every day he would ask me about how my family was doing, particularly my young daughter, Cameron. He was concerned about where she was going to school, what she was doing, what activities she was involved in, because he had daughters and he was totally involved in their upbringing. He would make sure that he made it to their soccer meets. I remember even one time there was a debate here on the floor and Bob said, look, my daughter's in a soccer meet, she's on a soccer scholarship over in Virginia, this is one of her first games and I'm going to go do it.

That is the kind of person he was. He represented our city in the finest of ways and traditions. I just wish him well as he goes forward. It is the least that we can do to name a post office in his honor. There are some Members who get elected to Congress, and it is an honor for them to be able to serve. I am convinced that Bob Borski is one of the few Members which this institution was honored by his service. I just rise today to support this bill. I thank my friend, the gentleman from the great State of Connecticut, and I thank the gentlewoman from the District of Columbia for yielding me this time.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Speaker, we have just heard a number of glowing remarks about Congressman Robert Borski. They are not exaggerations. He was an excellent Member of this House. My experience with him came in two areas: the first, serving on the Committee on Transportation and Infrastructure where he was a very senior member. He did perform on that Committee in an outstanding way. He was very much bipartisan in his approach even though, of course, he was a confirmed member of the Democratic Party. I would say also in this respect that he went out of his way to find a consensus whenever possible. It is often said that there are show horses and workhorses in this Congress. Definitely Mr. Borski was a workhorse and a very, very effective one.

The second place I knew him was in my role as the chairman of the House delegation to the NATO Parliamentary Assembly where Mr. Borski was one among many Members that do not come from the Committee on International Relations or from the Committee on Armed Services or the Permanent Select Committee on Intelligence; he came from one of the authorizing committees that does not have that much involvement in international affairs under most circumstances. But he played a very valuable role in this respect. We missed him this past Congress in his role in that respect. I want to commend him and thank his wife for all of her patience and his family for all of their patience in giving Robert's time for working on these international issues as well. I strongly support the resolution.

Ms. NORTON. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I just wanted to say that on not just the congressional delegation, JACK MURTHA, his colleagues from Philadelphia, BOB BRADY and the sponsor of this bill, Congressman JOE HOEFFEL, that there are many others in our State. With the loss, that is, with the leaving from Congress of Congressmen Shuster and Borski now, our State has lost a great deal of seniority and knowledge and expertise in the transportation areas, but we nonetheless appreciate their service. And particularly in terms of Bob Borski, the Governor; the mayor of our city, John F. Street; for many local officials, Bob Borski was an experienced and practical and commonsense political leader. We really appreciated his service. We wish him well as he moves on into other aspects of his life.

I am reminded when he had his going-away get-together here on the Hill, he had his family around him at the podium. It was symbolic, but it was really substantive. That is to say that Bob Borski did so much here in the Congress, did so much to help this country and help his home State, but at the end of the day and most importantly for him as he tried to make sure that I understood when he talked about my daughter, Cameron, that family has to be the most important issue for all of us. He was a good example of that.

Ms. NORTON. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. I thank the gentlewoman for yielding me this time and for her leadership in the committee and on this issue.

Mr. Speaker, I rise in support of H.R. 2328, the legislation designating the United States postal facility located at 2001 East Willard Street in Philadelphia as the Robert A. Borski Post Office Building.

Congressman Robert Borski was one of the longest-serving members of the Pennsylvania delegation, having served here for 20 years in Congress representing the Third Congressional District of Pennsylvania. Congressman Borski was a leader on the House Committee on Transportation and Infrastructure where he served as Ranking Member on the Subcommittee on Highways, Transit and Pipelines. He fought for a strong Federal commitment to our Nation's highways and transit systems. His efforts on the Transportation Equity Act for the 21st Century resulted in major infrastructure investment for the Philadelphia region.

Congressman Borski also worked hard to revitalize urban areas, supporting both transportation and water infrastructure projects. From his seat on the Subcommittee on Water Resources, Congressman Borski pushed for legislation to promote the cleanup of brownfields and to redevelop urban industrial sites. Congressman Borski also initiated the effort to reclaim and revitalize the neglected areas along the North Delaware River in Philadelphia.

With the support of the entire Pennsylvania congressional delegation, I introduced H.R. 2328. I selected this specific location because Bob Borski's late father was a postman who delivered mail from this facility on Willard Street and his mother still lives in the delivery area of this post office. The naming of the Borski post office, accordingly, has a very rich symbolic value and makes this action very meaningful and very emotional for the Borski family.

I first met Bob Borski in 1977 when we were both freshman legislators in the Pennsylvania State House. We came from very different backgrounds and very different political worlds, one from the Richmond neighborhood of Philadelphia, one from suburban Abington, but we became good friends. We served together for 6 years in the State House. Bob got here to Congress well before I did; and when I finally made it, he took me under his wing and served as my mentor. He would only occasionally give me advice. Sometimes I followed it; sometimes I did not. I learned after time I should have always followed it. He is a good man and a good friend.

Mr. Speaker, it is not often that you find an individual with such dedication and commitment to his community. I am pleased to honor Congressman Bob Borski in this manner. He is truly deserving of this honor. I urge swift passage of this legislation.

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

I would just note for the gentleman, we were trying to filibuster a little bit to give him a chance to get to the Chamber to speak on this important resolution.

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

Mr. SHAYS. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. I thank the gentleman for yielding. I cannot think of a more eloquent filibusterer than the gentleman from Connecticut. I thank him for doing this honor to Bob Borski.

Mr. SHAYS. He deserves it. He is an outstanding man.

Mr. GERLACH. Mr. Speaker, I rise today to urge my colleagues to support H.R. 2328, designating the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

Congressman Robert Borski represented Pennsylvania's Third Congressional District, which encompasses Northeast Philadelphia, the River Wards, Society Hill and portions of Queen Village for 20 years.

When he retired from Congress last year, he was the third ranking Democrat on the Transportation and Infrastructure Committee and was the ranking member on the Highways and Transit Subcommittee. Congressman Borski was also a member of the Subcommittee on Railroads, the Subcommittee on Water Resources and Environment, the Congressional Delegation to the North Atlantic Assembly and the Ad-Hoc Committee on Irish Affairs.

As a senior member on the Transportation and Infrastructure Committee and subcommittee ranking member, Congressman Borski was a vocal advocate of an improved national transportation system and a strong federal commitment to public infrastructure and mass transit programs. In Philadelphia, his legislative efforts have resulted in millions of dollars for SEPTA, I–95, neighborhood roads, and transportation improvements, which have benefited the Port of Philadelphia and the surrounding area.

In addition to his committee assignments, Congressman Borski represented the concerns of his constituency serving on the Older Americans Caucus, the Diabetes Caucus and the Prescription Drug Task Force.

Mr. Borski build a reputation as an accessible representative, holding public meetings, open office hours and manning two district offices to serve his constituents. Before being elected to Congress in 1982, Mr. Borski served three terms in the Pennsylvania State House where he was equally successful.

Mr. Speaker, I think there is no better way to honor Congressman Borski's 20 plus years of public service than to designate the United States Postal Service facility located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''. I urge all of my colleagues to join me today in supporting H.R. 2328.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 2328, a bill to name the U.S. Postal Service facility located at 2001 East Willard Street in Philadelphia, Pennsylvania the ''Robert A. Borski Post Office Building.''

I had the privilege of serving with Bob Borski on the Transportation and Infrastructure Committee for twenty years. I know him to be a true public servant, dedicated to the welfare of his constituents in Pennsylvania's 3rd District, and a steadfast friend. This designation could not be more well-deserved, and I am proud to be an original cosponsor of this legislation.

First elected to the 98th Congress, Bob Borski served on the Transportation Committee for two decades until his retirement at the end of the 107th Congress. Throughout his distinguished career, Congressman Borski exemplified the great bipartisan tradition of the Transportation Committee. From 1995 to 2001, he served as Ranking Member of the Subcommittee on Water Resources and Environment where he and Subcommittee Chairman BOEHLERT spearheaded the Committee's efforts for bipartisan solutions to some of the Committee's most difficult issues, such as clean water, brownfields, and superfund issues. The Committee's good work on these issues and its ability to pass bipartisan legislation was due in large part to Congressman Borski's perseverance, patience, and willingness to find common ground.

In the 107th Congress, Congressman Borski served as Ranking Member of the Highways and Transit Subcommittee. In that position, he and Subcommittee Chairman Petri did much of the groundwork for the upcoming reauthorization of the Transportation Equity Act for the 21st Century (TEA 21), holding more than a dozen hearings on issues related to the TEA 21 reauthorization. Last year, Congressman Borski received the ''Distinguished Person of the Year Award'' from the American Public Transportation Association (APTA) at its annual conference. It is not often that an association, with a major reauthorization bill just around the corner, honors a retiring Member of Congress. The fact that APTA honored Bob Borski is a tribute to him and the work that he has done to ensure that our communities have safe, affordable transportation choices.

H.R. 2328 is a fitting tribute to the distinguished career of Congressman Borski. I urge my colleagues to support it and to honor the contributions of Bob Borski with this well-deserved designation.

□ 1515

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

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 2328.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. LEWIS of California. 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 California?

There was no objection.

REPORT ON HOUSE RESOLUTION 286, REQUEST FOR DEPARTMENT OF HOMELAND SECURITY RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

Mr. SHAYS, from the Select Committee on Homeland Security, submitted a privileged report (Rept. No. 108–223) on the resolution (H. Res. 286) directing the Secretary of Homeland Security 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.

REPORT ON HOUSE RESOLUTION 288, REQUEST FOR DEPARTMENT OF TRANSPORTATION RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

Mr. HAYES, from the Committee on Transportation and Infrastructure,

submitted a privileged report (Rept. No. 108–220) on the resolution (H. Res. 288) directing the Secretary of Transportation 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.

VETERANS HEALTH CARE IMPROVEMENT ACT OF 2003

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2357) to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2357

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Improvement Act of 2003''.

SEC. 2. APPOINTMENT OF CHIROPRACTORS IN THE VETERANS HEALTH ADMINISTRATION.

(a) APPOINTMENTS.—Section 7401 of title 38, United States Code, is amended—

(1) by inserting ''and chiropractic care'' in the matter preceding paragraph (1) after ''medical care''; and

(2) by inserting ''chiropractors,'' in paragraph (1) after ''podiatrists,''.

(b) QUALIFICATIONS OF APPOINTEES.—Section 7402(b) of such title is amended—

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

(2) by inserting after paragraph (9) the following new paragraph (10):

''(10) CHIROPRACTOR.—To be eligible to be appointed to a chiropractor position, a person must—

''(A) hold the degree of doctor of chiropractic, or its equivalent, from a college of chiropractic approved by the Secretary; and

''(B) be licensed to practice chiropractic in a State.''.

(c) PERIOD OF APPOINTMENTS AND PROMOTIONS.—Section 7403(a)(2) of such title is amended by adding at the end the following new subparagraph:

''(H) Chiropractors.''.

(d) GRADES AND PAY SCALES.—Section 7404(b)(1) of such title is amended by striking the third center heading in the table and inserting the following:

''CLINICAL PODIATRIST, CHIROPRACTOR, AND OPTOMETRIST SCHEDULE''.

(e) TEMPORARY AND PART-TIME APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

''(E) Chiropractors.''; and

(2) by adding at the end of paragraph (2) the following new subparagraph:

''(D) Chiropractors.''.

(f) RESIDENCIES AND INTERNSHIPS.—Section 7406(c) of such title is amended—

(1) in paragraph (1)—

(A) by inserting ''and chiropractic'' after ''medical'' the first place it appears; and

(B) by inserting ''or chiropractic'' after ''medical'' the second place it appears;

(2) in paragraph (2)(B), by inserting ''or chiropractic'' after ''medical'' the first place it appears; and

(3) in paragraph (3)(A), by inserting ''or chiropractic'' after ''medical''.

(g) MALPRACTICE AND NEGLIGENCE PROTECTION.—Section 7316(a) of such title is amended—

(1) in paragraph (1), by inserting ''or chiropractic'' after ''medical'' each place it appears; and

(2) in paragraph (2)—

(A) by inserting ''or chiropractic'' after ''medical'' the first place it appears; and

(B) by inserting ''chiropractor,'' after ''podiatrist,''.

(h) TREATMENT AS SCARCE MEDICAL SPECIALISTS FOR CONTRACTING PURPOSES.—Section 7409(a) of such title is amended by inserting ''chiropractors,'' in the second sentence after ''optometrists,''.

(i) REIMBURSEMENT OF CONTINUING PROFESSIONAL EDUCATION EXPENSES.—Section 7411 of such title is amended by striking ''or dentist'' and inserting '', dentist, or chiropractic''.

(j) COLLECTIVE BARGAINING EXEMPTION.—Section 7421(b) of such title is amended by adding at the end the following new paragraph:

''(8) Chiropractors.''.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 180–day period beginning on the date of the enactment of this Act.

SEC. 3. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE OF CERTAIN FILIPINO WORLD WAR II VETERANS RESIDING IN THE UNITED STATES.

(a) ELIGIBILITY.—The text of section 1734 of title 38, United States Code, is amended to read as follows:

''(a) The Secretary shall furnish hospital and nursing home care and medical services to any individual described in subsection (b) in the same manner, and subject to the same terms and conditions, as apply to the furnishing of such care and services to individuals who are veterans as defined in section 101(2) of this title. Any disability of an individual described in subsection (b) that is a service-connected disability for purposes of this subchapter (as provided for under section 1735(2) of this title) shall be considered to be a service-connected disability for purposes of furnishing care and services under the preceding sentence.

''(b) Subsection (a) applies to any individual who is a Commonwealth Army veteran or new Philippine Scout and who—

''(1) is residing in the United States; and

''(2) is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.''.

(b) LIMITATION.—(1) The amendment made by subsection (a) shall take effect on the date on which the Secretary of Veterans Affairs submits to the Committees on Veterans' Affairs of the Senate and House of Representatives and publishes in the Federal Register a certification described in paragraph (2).

(2) A certification referred to in paragraph (1) is a certification that sufficient resources are available for the fiscal year during which the certification is submitted to carry out section 1734 of title 38, United States Code, as amended by such amendment, during that fiscal year at each significantly affected health care facility of the Department of Veterans Affairs.

(3) For purposes of paragraph (2), the term ''significantly affected health care facility'' means a health care facility at which, as determined by the Secretary, it is reasonably foreseeable that the implementation of the provisions of section 1734 of title 38, United States Code, as amended by subsection (a), will result in a significant increase in the use of health care resources due to the number of veterans described in subsection (b) of that section who are considered to be likely to seek hospital or nursing home care or medical services, as authorized by subsection (a) of that section, at that facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

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

Mr. Speaker, I rise in strong support of H.R. 2357, as amended, the Veterans Health Care Improvement Act of 2003. H.R. 2357 would provide two important new health services to veterans. First, the bill would clearly establish the authority of the Department of Veterans Affairs to appoint chiropractors within its health care system, allowing veterans to receive this care in VA facilities. Currently, veterans are not receiving this specialty care from VA because the VA has decided that chiropractic care is not necessary and duplicates services already provided by physicians, nurses, and physical therapists.

For nearly 3 years, the Committee on Veterans' Affairs has been working to include chiropractic care as part of the VA's health care system. Through provisions in the Veterans Millennium Health Care and Benefits Act, the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001, the VA has been required to establish a policy for the role of chiropractic care for veterans and to provide chiropractic care and services for veterans in its health care system. By law, VA has also been required to establish a Chiropractic Advisory Committee within the Department.

Although some progress has been made by the Advisory Committee on chiropractic care, veterans are dissatisfied with the VA's reluctance to fulfill its obligations under law. The gentleman from Kansas (Mr. MORAN), our former Health Subcommittee chairman, has spearheaded this important effort for our veterans, and I thank him for his leadership on this issue.

Mr. Speaker, our bill would also authorize VA to provide health care services to Filipino World War II veterans who legally reside in the United States. During World War II, the Commonwealth of the Philippines army was called to serve with the U.S. Armed Forces. Tens of thousands of Filipino soldiers served alongside U.S. soldiers during World War II, exhibiting great courage and determination at the epic battles of Bataan and Corregidor and contributing to the successful outcome of the war.

After the Philippines became an independent Nation, Congress passed the Rescission Act of 1946, reducing or eliminating many of the benefits that Filipino veterans had been eligible for

based on service in the Commonwealth army. Today, almost 60 years later, 60,000 World War II Filipino veterans are alive and continue to seek restoration of these benefits. Approximately 14,000 Filipino veterans in the U.S. would be eligible for the VA health care services this bill would authorize.

Today, Commonwealth army veterans and new Philippine Scouts residing in United States are only eligible for VA health care services if they are in receipt of a disability compensation. This legislation before us today would broaden eligibility for VA health care for all Filipino veterans residing in the United States. Commonwealth army veterans and new Philippine Scouts living in the United States would be subject to the same eligibility and means test requirements as American veterans.

This bill would honor our commitment to those veterans by covering hospital, nursing home, and medical care services.

I want to commend the gentleman from New Jersey, my chairman, the chairman of the full Committee on Veterans' Affairs, for his leadership in bringing this legislation forward; and I also commend the gentleman from California (Mr. FILNER) who has championed the cause of Filipino veterans for years and is due a great deal of credit for the legislation we put before the House today.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Connecticut (Mr. SIMMONS) today and rise in strong support of H.R. 2357. First, I would also like to recognize the commitment of the gentleman from California (Mr. FILNER), a long-time member of the Committee on Veterans' Affairs and my San Diego colleague, to the cause of Filipino veterans.

Mr. Speaker, the Filipino soldiers recruited to fight in the Pacific during the Second World War served proudly under General MacArthur and fought courageously against the enemies of the United States. Because their contributions were crucial to our victory, these brave soldiers thought that when the war was won, they would receive the same recognition as American soldiers fighting by their side.

Unfortunately, Mr. Speaker, in 1946, Congress passed an act that rescinded the benefits it had granted to thousands of Filipino veterans, and this was wrong. This was wrong. And passing H.R. 2357 today will help correct this injustice.

H.R. 2357 also contains a provision to allow the VA to hire chiropractors. Mr. Speaker, it is time that the VA recognized the value chiropractors can add as part of a health care service continuum. Chiropractors can help promote and maintain wellness rather than simply treating illness. Millions of Americans rely on their services to manage pain and treat a broad range of conditions.

I am pleased to stand up on these bills today.

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

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kansas (Mr. MORAN), formerly the chairman of the Health Subcommittee of the Committee on Veterans' Affairs, currently serving as vice chairman of that subcommittee and a tireless advocate for chiropractic care for our veterans.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SIMMONS) for yielding me this time.

Mr. Speaker, I am pleased to be here today as provisions of H.R. 2414, the Department of Veterans Affairs Chiropractic Employment Act, a bill that I introduced earlier this year, are included in this bill now before the House.

I thank the gentleman from New Jersey (Mr. SMITH), chairman of the full committee, as well as the gentleman from Connecticut (Mr. SIMMONS), my predecessor as the chairman of the Health Subcommittee for their leadership and assistance in advancing this measure to the House floor today.

Mr. Speaker, these provisions will prompt the Department of Veterans Affairs to make chiropractic care available to America's veterans in VA facilities by granting specific employment authority in VA for chiropractic care as clinicians under title 38 of the United States Code.

Millions of Americans use the services of doctors of chiropractic. However, veterans who are enrolled in the VA health care system are unable to receive this specialty care. Numerous studies have demonstrated that chiropractic care can and is an effective therapy.

Mr. Speaker, Congress has acted twice before on chiropractic care in the VA health care system, but our intent has not yet been implemented by the Department of Veterans Affairs. Signed into law in 1999, section 303 of Public Law 106-117 required the VA Under Secretary for Health to establish a defined policy regarding the role of chiropractic care for veterans enrolled in the Veterans Health Administration. Almost a year later, the VA established what it deemed to be a ''policy'' on chiropractic care. However, the Committee on Veterans' Affairs found the VA's response to be inadequate.

As a result, in 2001, 2 years later, Congress enacted section 204 of Public Law 107–135. This legislation required the Secretary of VA to create a program of chiropractic care and services for veterans who are enrolled in the VA health care system and specified that each of the VA's health care networks put at least one program in place. This law also required the establishment of a Chiropractic Advisory Committee within the Department and charged the committee to provide assistance to the Secretary in developing and implementing the chiropractic health care program.

While some progress has been made by the VA's Advisory Committee, the Department is now contending that formal organizational, qualification, and classification studies are needed due to the VA's lack of a specified employment authority in title 38 of the United States Code. Such an undertaking by the VA would probably require extensive use of specialized resources and more bureaucracy on the part of the Central Office, the Advisory Committee, the Office of Personnel Management, as well as outside consultants. We can remedy this situation with the bill before the House today to speed the VA's decision-making on establishing chiropractic clinical care positions within the Department.

Mr. Speaker, I urge my colleagues to support this legislation. Our bill will provide a specialty care program for our Nation's veterans, who are most deserving of this benefit.

I again thank the chairman for his leadership.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 2357. This legislation was originally drafted to establish standards of care for veterans seeking health care from the Department of Veterans Affairs. I commend the gentlewoman from Florida (Ms. BROWN-WAITE) for introducing this legislation that, when introduced, would have ensured that veterans receive health care within thirty days of their initial request for appointments at VA facilities or if the VA could not meet this requirement, allow veterans to receive care at non-VA facilities. In its original form, this legislation closely resembled a bill that I first introduced in the 107th Congress and reintroduced in February. Like the bill the gentlewoman from Florida introduced, the 21st Century Veterans Equitable Treatment Act, H.R. 890, would establish standards for appointments at VA facilities and allow veterans to receive care at non-VA facilities if the VA was not able to meet its obligation. Additionally, my legislation recommends the used of ''smart card'' technology to expedite reimbursements for services and reduce complicated paperwork.

As you may know, the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans recently released its final report and found that due to the number of veterans seeking access to the VA and Department of Defense health care system, those with service-connected disabilities and indigent veterans have been faced with diminished access to care. I agree with the Task Force that this situation is unacceptable and concur with one of their recommendations that ''VA facilities should be held accountable to meet the VA's access standards for enrolled Priority Groups 1 through 7 (new). In instances where an appointment cannot be offered within the access standard, VA should be required to arrange for care with a non-VA provider, unless the veteran elects to wait for an available appointment with VA.'' The bill introduced by the gentlewoman from Florida, as well as my legislation, was created to accomplish this.

Unfortunately, during markup of this legislation in the Veterans' Affairs Committee, this

provision was removed from H.R. 2357. The bill that we are debating now would no longer ''establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs'' as is indicated by its title but instead authorizes the Secretary to hire chiropractors and makes certain Filipino World War II veterans living in the United States eligible for VA health care. I am very disappointed that this critical issue in veterans' health care access and element of the President's Task Force recommendations is not being voted on by the House today. However, I am encouraged to hear of the possibility that the Committee will hold a hearing on this very important issue when we return from the August recess. I wholeheartedly support further debate and would look forward to testifying before the Committee.

While disappointed that the appointment standards for the VA have been stripped from this bill, I am pleased that this legislation will give the Secretary of Veterans Affairs the authority to hire chiropractors. Congress has passed legislation numerous times to ensure that veterans have access to chiropractic care and I hope that this bill will clear any final hurdles that have prevented veterans from receiving this type of care.

Mr. Speaker, I ask my colleagues to join me today in supporting this legislation that is a small, yet important, step to meeting our commitment to those Americans who made the sacrifice to serve their nation in the armed forces. As future veterans face combat in Iraq, we in Congress must live up to our pledge by providing health care to all veterans, by ensuring that it is accessible, and by fully funding the VA health care system. I urge my colleagues to join me in calling for additional legislation to meet these goals so that we may return to this floor in the near future and step closer to meeting our promise.

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to urge support for H.R. 2357, legislation which includes a provision from my bill, H.R. 664, that would authorize the Department of Veterans Affairs to provide health care to Filipino World War II veterans who legally reside in the United States.

As my colleagues know, I have been working to restore these benefits for many years. By passing this legislation for Filipino World War II veterans, we are providing a giant step forward in our quest to correct the injustice that was inflicted upon them by the 1946 Congress, shortly after World War II ended.

Over 50 years ago, Filipino soldiers were drafted into service by President Franklin D. Roosevelt. They fought side-by-side with soldiers from the United States mainland, exhibiting great courage at the epic battles of Bataan and Corrigidor. Their participation was critical to the successful outcome of the war in the Far East. It was quite a shock when Congress deprived many of the benefits that they were expecting.

Because these veterans are in their 70s and 80s, their most urgent need is for health care. So I sincerely appreciate the actions of Veterans' Affairs Committee Chairman CHRIS SMITH and Ranking Member LANE EVANS, and Chairman BOB SIMMONS and Ranking Member CIRO RODRIGUEZ of the VA Health Subcommittee, as well as of VA Secretary Anthony Principi, to restore VA health care benefits to them.

This bill is also about restoring dignity and honor to these proud veterans. Over fifty years of injustice burns in the hearts of the Filipino World War II veterans and in the hearts of their sons and daughters. This bill says that we will begin to remedy this historical injustice. We will make good on the promise of America.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2357, the Veterans Health Care Improvement Act of 2003. This piece of legislation amends Title 38 of the United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs. Mr. Speaker, this piece of legislation is long overdue. This legislation provides new health care benefits to Filipino veterans.

Mr. Speaker, at this time there are thousands of Filipino veterans who have proudly served this country in World War II and still, to this day, aren't eligible to receive health care benefits from Veterans Affairs. That is simply unacceptable. Under this legislation, any individual who is a veteran of the Philippine Commonwealth Army or a former New Philippine Scout living legally in the United States would be eligible for these benefits. The Congressional Budget Office estimates that by 2004, if this legislation is enacted, 9,500 Filipino veterans would qualify for these new benefits.

In addition to providing much over due health care benefits to Filipino veterans, this bill will serve to enhance the quality of chiropractic care offered by VA facilities. Currently, the VA is required to make chiropractic care available to veterans at least one site in each of VA's 21 geographic service areas, however, the bureaucracy often involved in hiring these chiropractors makes it difficult to comply. This legislation makes it easier to hire chiropractors by allowing the VA to appoint and hire the practitioners by specifying that they be treated as other medical professionals like optometrists and podiatrists. This would also allow these medical professionals to become eligible for part-time or temporary employment, educational expense reimbursements, and enhanced protection from malpractice suites.

Again, Mr. Speaker, I urge my colleagues to support this worthwhile legislation. It is our duty to provide our veterans with world-class health care for the countless sacrifices that they have made on behalf of our country.

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

Mr. SIMMONS. Mr. Speaker, I urge my colleagues to support the Veterans Health Care Improvement Act of 2003.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 2357, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2357, as amended.

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

There was no objection.

□ 1530

NATIONAL CEMETERY EXPANSION ACT OF 2003

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1516) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania, as amended.

The Clerk read as follows:

H.R. 1516

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Cemetery Expansion Act of 2003''.

SEC. 2. ESTABLISHMENT OF NEW NATIONAL CEMETERIES.

(a) ESTABLISHMENT.—Not later than four years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in accordance with chapter 24 of title 38, United States Code, shall establish five new national cemeteries. The new cemeteries shall be located in the following locations (those locations having been determined by the Secretary of Veterans Affairs to be the most appropriate locations for new national cemeteries):

(1) Southeastern Pennsylvania.

(2) The Birmingham, Alabama, area.

(3) The Jacksonville, Florida, area.

(4) The Bakersfield, California, area.

(5) The Greenville/Columbia, South Carolina, area.

(b) FUNDS.—Amounts appropriated for the Department of Veterans Affairs for any fiscal year after fiscal year 2003 for Advance Planning shall be available for the purposes of subsection (a).

(c) SITE SELECTION PROCESS.—In determining the specific sites for the new cemeteries required by subsection (a) within the locations specified in that subsection, the Secretary shall solicit the advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(d) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries required by subsection (a). The report shall—

(1) set forth a schedule for the establishment of each such cemetery and an estimate of the costs associated with the establishment of each such cemetery; and

(2) identify the amount of Advance Planning Funds obligated for purposes of this section as of the submission of the report.

(e) ANNUAL REPORTS.—The Secretary shall submit to Congress an annual report on the implementation of this section until the establishment of all five cemeteries is completed and each

such cemetery has opened. The Secretary shall include in each such annual report an update of the information provided under paragraphs (1) and (2) of subsection (d).

(f) DEFINITION OF SOUTHEASTERN PENNSYLVANIA.—In this section, the term ''southeastern Pennsylvania'' means the city of Philadelphia and Berks County, Bucks County, Chester County, Delaware County, Philadelphia County, and Montgomery County in the State of Pennsylvania.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

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

Mr. Speaker, in a sense, the National Cemetery Expansion Act of 2003 is part of the legacy of the late chairman of the House Committee on Veterans' Affairs, Bob Stump. It was Bob who composed many of the cemetery provisions ultimately signed into law as part of the Veterans Millennium Health Care and Benefits Act. Bob also took a particular interest in the need for improvements to our national cemeteries and to obtain an updated list of areas in the country where there was a significant unmet demand for a national cemetery. His vision of VA cemeteries as national shrines should inspire all of us and those responsible for maintaining VA cemeteries for years to come.

According to existing VA planning guidelines, VA should establish cemeteries in locations that would provide service to 90 percent of veterans within 75 miles of their homes. H.R. 1516, as amended, reflects the findings of a recently completed VA study which found the areas of the country most in need of a new national cemetery.

The study, performed by Logistic Management Institute, reviewed current and future burial needs of veterans and identified areas of the country where new national cemeteries might be constructed. They identified 31 areas with the greatest need and ranked them by the size of the population to be served. VA is expanding six cemeteries on the list currently serving veterans through land acquisitions, and State cemeteries are being planned in other areas to meet veterans' burial needs.

H.R. 1516, as amended, would direct the Secretary of Veterans Affairs to establish a new national cemetery, not later than 4 years after the date of enactment, in those five areas, which would be southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and Greenville-Columbia, South Carolina. More than 900,000 veterans and their survivors will benefit from these additional national cemeteries.

H.R. 1516, as amended, would also direct the Secretary to submit a report to Congress not later than 120 days after enactment on the establishment of the national cemeteries required by this bill.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Mr. GERLACH) and his staff for their work on this bill and for working with the gentleman from South Carolina (Chairman BROWN) and the ranking member, the gentleman from Maine (Mr. MICHAUD), to provide for the burial needs of veterans.

I would also like to recognize committee staff, Paige McManus, Darryl Kehrer, Kingston Smith, Patrick Ryan, Mary Ellen McCarthy, Geoffrey Collver, and Jim Holley for their work on the bill.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1516, the National Cemetery Expansion Act of 2003. I want to thank the chairman and the ranking Democrat of the full committee, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. Evans), along with the chairman and ranking member of the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD), for their good work in crafting this legislation.

I am pleased that in H.R. 1516 we are providing for the authorization and establishment of five new national cemeteries in accordance with the VA's most current burial needs assessment report. The communities of southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and Greenville-Columbia, South Carolina, will certainly appreciate this measure.

Mr. Speaker, this is a good bill, an important bill. The veterans of this Nation deserve nothing less than an honorable and dignified final resting place.

Mr. Speaker, many brave men and women who put on the uniform to protect us during World War II and the Korean War pass from us every day at alarming rates, and it is our responsibility to provide our veterans, our brave soldiers, with dignified and honorable final resting places. I look forward to working with my colleagues and the administration to meet this serious responsibility.

Mr. Speaker, I urge all Members to support passage of this measure.

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

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS), a distinguished member of our committee.

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

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, obviously I rise in support of this bill. I am especially pleased that we are going to have a national cemetery in Jacksonville, Florida. This is in northeast-central Florida, where we have a lot of military presence, particularly with representation by three Members of Congress, myself, the gentleman from Florida (Mr. CRENSHAW), and the gentlewoman from Florida (Ms. CORRINE BROWN). All three of us service Jacksonville and north-central Florida, so we are all very pleased this is being done.

We have the Mayport Naval Station with an aircraft carrier stationed there, we also have Naval Air Station and Depot up there, and we've had a huge increase in the number of retirees that are locating into our area. So we are all very pleased about this. The VA Jacksonville cemetery has been the intent of a bill I dropped, H.R. 197, and also others I have offered in prior Congresses.

As the 2,000 U.S. census shows, the revised projections forecasting a population of about 189,000 by FY 2005 in the ''VA Future Burial Needs Report Sites'' I think demonstrates what all of us know: our veterans are flocking to relaxed, sunny north-central Florida to retire. They deserve a resting place with dignity and beauty, and I think that this cemetery will add a lot to that promise.

Mr. Speaker, Florida has our Nation's second largest veterans population and the number one in terms of age. Nearly 325,000 veterans call home somewhere in this northeast-central Florida area, Jacksonville vicinity. Moreover, an increasing number of current active duty armed services veterans are calling Florida their home and are moving into this area. This is because nearby Alachua County, Gainesville, where we have a VA hospital, and Derval County have sent a lot of reservists and National Guardsmen to Iraq; and this whole area sent so many people to Iraq in this northeast corridor that there is going to be a lot of people that are going to retire from active duty. So this cemetery will also be important for them.

The closest VA cemetery is at least a 3-hour drive from Jacksonville, and as the subcommittee chairman mentioned the requirement is to have VA cemetery within 75 miles of the vicinity of these veterans. We need to have a VA cemetery now. So this will is going to meet this requirement.

The next closest in proximity lies in Marietta, Georgia, which is just north of Atlanta. A new national VA cemetery in Jacksonville will answer this unmet need for north Floridians and southern Georgians.

Mr. Speaker, I am very pleased. I offered this type of legislation in the 107th Congress and 106th Congress to locate a cemetery in Jacksonville, so I am grateful that we finally will pass this bill. I might add that there has been great support within the community, and they look forward to this construction.

Lastly, Mr. Speaker, you might be thinking why are a lot of people are supporting a cemetery in Florida. They may think this is a very parochial bill.

But for my colleagues from Michigan and New York, there is a high likelihood that your constituents are contemplating retiring to north-central Florida, so we welcome your veterans' and their commitment to our north Florida area. I hope all the people here in the House will support H.R. 1516.

Let us provide the dignified, hallowed grounds for our veterans. They deserve it.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me time and congratulate her on her leadership on this issue.

I rise in strong support of House bill 1516, and I want to start by acknowledging the great work of our colleague, the gentleman from Pennsylvania (Mr. GERLACH). The gentleman has taken an issue that is an old issue in the Philadelphia area, trying to create new cemetery space for our veterans, and he has found a way to get this out of committee on to the floor for certain passage here today. I compliment the gentleman on it. It is important.

For the last, I guess, five terms of Congress, Members have tried to create a new cemetery in southeastern Pennsylvania. My predecessor, Congressman Jon Fox, introduced a bill in both of his two terms in Congress, with a similar bill introduced in the other body by Senator ARLEN SPECTER, that would have named the Valley Forge National Historical Park as the setting for a new veterans cemetery, a setting I still think is the perfect location. There is some controversy and resistance to that. The important thing is that we get a new cemetery in southeastern Pennsylvania.

In my first two terms, I introduced the same bill with the same support in the Senate. I lost that area in redistricting, and now the gentleman from Pennsylvania (Mr. GERLACH) has figured out a way to add other sites to southeastern Pennsylvania and move this bill forward with full support; and I thank the Members of the committee, the ranking members and, of course, the chairs of the full committee and the subcommittee, for putting together a bill with great support.

This will create a clear and strict timetable to establish a new veterans cemetery in southeastern Pennsylvania and four other locations around the country, with sensible and responsible reporting requirements placed upon the Secretary of Veterans Affairs so that Congress can make sure that these new cemeteries actually get opened.

It is overdue, it is important legislation, and it is the right thing to do for our veterans. They have given so much to this country. It is entirely appropriate for us to make sure that all veterans who are interested in a final resting space in a national veterans cemetery have the opportunity to do it, and I know that the veterans in southeastern Pennsylvania will be very pleased by this progress.

I congratulate the gentleman from Pennsylvania (Mr. GERLACH), as well as all involved.

Mr. SIMMONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GERLACH), and thank him, speaking as a veteran, for all of his hard work to bring this legislation to the floor.

Mr. GERLACH. Mr. Speaker, I thank the gentleman from Connecticut for yielding me time.

Mr. Speaker, I would like to thank the gentleman from New Jersey (Chairman SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS), and their staffs for their great work in bringing H.R. 1516 to the floor today, and I would also like to thank and acknowledge the kind comments of the gentleman from Pennsylvania (Mr. HOEFFEL) and his great work and support in bringing this bill to this point today. I thank the gentleman for his work, not only this year, but in previous years in this effort. Also a special thank you to our colleagues on the Pennsylvania congressional delegation for their support as well.

Most importantly, we would like to thank the veterans of southeastern Pennsylvania for their great service and sacrifice to our country over the years. This legislation was introduced last March to establish a new national veterans cemetery in southeastern Pennsylvania; and as that bill moved through the Committee on Veterans' Affairs, I am very pleased to see that some additional sites were added. As was mentioned by the gentleman from Connecticut, Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and the Columbia-Greenville, South Carolina, area were added.

It would also require that the U.S. Department of Veterans Affairs establish new and much-needed cemeteries within 4 years of the date of enactment of this legislation. Aside from establishing these important national cemeteries, another important provision of this measure will provide for local involvement in the selecting of sites for these cemeteries.

Under the legislation, the Secretary for Veterans Affairs is directed to solicit the advice and the views of representatives of local veterans organizations and other individuals as the Secretary considers appropriate.

The need for a new veterans cemetery in our community is well documented and long overdue. The Philadelphia National Cemetery is virtually closed, with the exception of cremated remains, to nearly 400,000 veterans that reside in the five counties and make up the metropolitan Philadelphia area. And while cremation may be an alternative to traditional burial for some, it is not the preference of most. But, unfortunately, it is the only option that Philadelphia-area veterans currently have if they want their remains reposed at a veterans cemetery close to home.

The only other national cemetery in our region is the Indiantown Gap National Cemetery, which is a long drive from the Philadelphia area, and can be a very difficult trip for widows, widowers, and other family members who want to visit the graves of their loved ones. I would note that more than 290,000 area veterans live over 65 miles from Indiantown Gap National Cemetery.

The Secretary for Veterans Affairs, Anthony Principi, has expressed his support for the establishment of a new cemetery in southeastern Pennsylvania after analyzing two factors not taken into account in a previous Veterans Affairs Department study.

First, the Beverly National Cemetery in nearby Burlington County, New Jersey, is filling up faster than expected and is only available to New Jersey veterans. Additionally, the Department recently added Monroe County, Pennsylvania, to the greater Philadelphia service area, thereby increasing the number of veterans in need to over 170,000, the statistical benchmark for the establishment of a new cemetery.

Secretary Principi also acknowledged that the Indiantown Gap National Cemetery in Lebanon County, Pennsylvania, is at least 80 miles from Philadelphia, which contrasts with the Department's guideline of having a veterans cemetery within 75 miles of a veteran's home.

□ 1545

Consequently, the Secretary expressed his support for a new cemetery in the greater Philadelphia area to honor those who would be laid to rest there. This legislation will provide both for its establishment within a specified time period and allow for the input of local officials and veterans in determining a specific site.

The importance of a veterans cemetery in the southeastern Pennsylvania region has been already recognized. In 1862, the 37th Congress created the National Cemetery of Philadelphia when they initially established what has become a large network of national cemeteries across the United States. Southeastern Pennsylvania veterans of today, as those of the past, should likewise have the opportunity to be buried close to home after providing the same level of heroic service and sacrifice to our Nation.

Again, Mr. Speaker, I would like to thank my colleagues, and the gentleman from Pennsylvania (Mr. HOEFFEL) in particular, and also the members of the Committee on Veterans' Affairs, for their work in bringing H.R. 1516 to the floor today, and I would urge all Members of the House to support this much-needed measure.

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

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume to urge my colleagues to support the National Cemetery Expansion Act of 2003.

For a veteran, a funeral service is the last official ceremony that that veteran will participate in; and for the family, that cemetery becomes a place of remembrance and love. It is so important to these families that they be able to visit their departed veteran in this environment.

Ms. BERKLEY. Mr. Speaker, today, 9.3 million veterans are over 65. Sadly, 1,500 veterans pass away every day in the United States. The National Cemetery Expansion Act, provides more national cemeteries so that veterans' families can ensure their loved ones have a proper burial. I strongly support this legislation offered by Congressman GERLACH. In addition to providing more cemeteries, this Congress also needs to address the almost non-existent burial benefits provided by the VA.

Burial benefits have seriously eroded due to inflation; leaving states and families to make up the cost. Paying for rising burial expenses is a growing concern to families and veterans cemeteries. I have introduced a bill to increase burial benefits for veterans buried in state and national cemeteries. This bill would provide veterans families with the same percentage of burial costs as promised in 1973. I encourage this Congress to support my colleague's bill to increase the number of National Veterans Cemeteries, and to reestablish burial benefits for the families of our national heroes.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 1516, the National Cemetery Expansion Act of 2003.

I again want to express my appreciation to the Chairman of the full Committee, CHRIS SMITH, along with the Chairman and Ranking Member of the Benefits Subcommittee, HENRY BROWN and MICHAEL MICHAUD for their good work in crafting this legislation.

I am pleased that in H.R. 1516 we are authorizing the establishment of five new national cemeteries according to the VA's most current burial needs assessment report. We must provide a peaceful and dignified setting to honor the many men and women who bravely served this country in uniform.

Unfortunately, Mr. Speaker, we have many other communities in great need of additional veterans' cemetery burial space. As we all know, the men and women of the ''greatest generation'' who served this country so grandly in World War II and Korea have reached their senior years. Well over 1,000 World War II veterans pass away each day, and this rate is projected to increase for years to come. Mr. Speaker, it is our responsibility to provide proper final resting places for our veterans. I look forward to working with my colleagues and the Administration to meet this serious responsibility.

Mr. Speaker, this measure deserves the support of all Members and I urge my colleagues to vote for its passage.

Mr. MICHAUD. Mr. Speaker, I too rise in strong support of H.R. 1516, the National Cemetery Expansion Act of 2003.

I would like to thank Chairman SMITH and Ranking Member EVANS for their leadership on the full Committee. I also want to recognize and thank HENRY BROWN, Chairman of the Benefits Subcommittee, for his good work and bipartisan efforts in working with me to craft this legislation and bring this measure to the House floor.

I am pleased that in H.R. 1516 we are authorizing the establishment of five new national cemeteries according to the VA's most current burial needs assessment report. Our veterans who served and protected us deserve nothing less than a proper final resting place.

Fortunately, the veterans in my district in Maine are not wanting for additional cemetery space thanks to a new state veterans' cemetery recently established in Caribou, ME. However, far too many communities are in need of a new veteran's cemetery. We must provide the resources to meet this need—It is our responsibility.

Mr. Speaker, this is a sound measure. I urge all Members to support its passage.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 1516, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1516, as amended.

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

There was no objection.

RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE KOREAN WAR VETERAN

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 212) recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 212

Whereas 50 years ago, 1,800,000 Americans answered the call to defend freedom in South Korea and fought the common foe of communism with 21 allied countries under the banner of the United Nations;

Whereas the United States suffered 36,576 dead and 103,284 wounded during the Korean War in some of the most horrific conditions in the history of warfare;

Whereas the Nation's Korean War veterans did not receive the proper welcome home, thanks, or recognition for selfless service and sacrifice that had been given to veterans of previous wars;

Whereas the bravery and sacrifices of the Nation's Korean War veterans and their families and next of kin should be properly honored and recognized, and the American people wish to join in thanking and honoring Korean War veterans and their families;

Whereas it is important to include the history of the Korean War in the curricula of the Nation's schools so that future generations will learn about and appreciate the sacrifices of Korean War heroes;

Whereas the final year of the 50th Anniversary of the Korean War Commemoration should be recognized by a national effort of programs and activities to officially thank, honor, and welcome home the Nation's Korean War veterans and to officially thank and honor their families and next of kin; and

Whereas 2003 marks the final year of the United States 50th Anniversary of the Korean War Commemoration and the 50th year of the Armistice, and efforts are under way to designate 2003 as the Year of the Korean War Veteran: Now, therefore, be it

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

(1) declares to the Nation and the world that the American people will never forget the Nation's Korean War veterans or those who served the Nation on the home front during the Korean War;

(2) recognizes and supports the goals and ideals of the Year of the Korean War Veteran;

(3) requests the President to issue a proclamation calling on the people of the United States to observe the Year of the Korean War Veteran with appropriate ceremonies and activities to thank, honor, and welcome home the Nation's Korean War veterans; and

(4) urges the chief executive officers of the States, and the chief executive officers of the political subdivisions of the States, to each issue a proclamation calling upon their citizens to ''Pause to Remember'' the Nation's Korean War veterans and their families and next of kin with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 212, a concurrent resolution introduced by our colleague, the gentleman from Texas (Mr. SAM JOHNSON).

This resolution recognizes and supports the goals and ideals of the Year of the Korean War Veteran. This year marks the final year of the United States' 50th anniversary of the Korean War Commemoration and the 50th year of the armistice. While actual hostilities occurred from June 27, 1950, through July 7, 1953, Congress extended the war period from January 31, 1955, for veterans benefits eligibility because of the uneasy period following the end of hostilities.

Mr. Speaker, I would like to share some facts about the Korean War. Between the period of June 27, 1950, and January 31, 1955, the Korean War period, 6.8 million American men and women served in the Armed Forces of the United States. Between June 28 of

1950 and July 27, 1953, 54,200 Americans died in service. Of these, 36,576 were deaths due directly to the war. Mr. Speaker, 131 Korean War veterans received the Congressional Medal of Honor, the highest military declaration our Nation bestows. Today, there are approximately 3.7 million Korean War veterans still living.

This period in our Nation's history, Mr. Speaker, has often been referred to as the Forgotten War. But that is being remedied, and Congress is doing its part. On July 25 of 1995, the Korean War Memorial was dedicated on the Mall.

The sponsor of this resolution, the gentleman from Texas (Mr. SAM JOHNSON), served 29 years in the U.S. Air Force and flew combat missions in both the Korean and the Vietnam wars. He was a prisoner of war in Hanoi, North Vietnam, for almost 7 years. The gentleman from Texas (Mr. SAM JOHNSON) is a very modest man. I do not want to embarrass him when he reads about this, but he is truly an American hero. I can think of no more appropriate person to introduce the resolution on the observance of the Year of the Korean War Veteran. I salute the gentleman from Texas (Mr. SAM JOHNSON). I believe that every Member of this body on both sides of the aisle salutes him. We also thank the other cosponsors, the gentleman from New York (Mr. RANGEL), the gentleman from North Carolina (Mr. COBLE), and the gentleman from Michigan (Mr. CONYERS), all veterans of Korea, for their military service to our country.

Mr. Speaker, H. Con. Res. 212 would serve to remind all Americans of the first war America fought to stop the spread of Communist tyranny and would encourage activities honoring Korean War veterans for their courageous sacrifice on behalf of all of us. America will not forget the veterans of the Korean War. I am pleased we are considering this resolution at this appropriate time. I want to again thank the gentleman from Illinois (Mr. HASTERT), the Speaker of the House of Representatives, and the gentleman from Texas (Mr. DELAY), the majority leader, for scheduling this resolution the week of the 50th year of the armistice.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House concurrent resolution 212 and commend the gentleman from New Jersey (Mr. SMITH), our chairman, and the gentleman from Illinois (Mr. EVANS), our ranking Democratic member, for bringing this important measure directly to this body for consideration on the eve of the 50th anniversary of the signing of the Korean War armistice. The bill calls on American citizens to thank those who served in uniform during that difficult time a half century ago.

Often called the Forgotten Veterans, it was a generation that served in a war wedged in time between the jubilation from resounding victories over tyranny in Europe and the Pacific, and a war in Southeast Asia whose unpopularity and length seized the subsequent 2 decades. Having served, they silently, without fanfare or formality, slipped back into civilian clothes and resumed their lives.

The courageous individuals who stepped forward into the Korean War left their jobs, schools, homes, and families to respond to an especially daunting threat to freedom on the other side of the world. While all wars are horrific, their battlefield brought forth a particularly ruthless enemy and a unique brutality, including an unyieldingly harsh climate.

I am proud and privileged to serve with several colleagues who emerged from that unimaginable experience, including the distinguished author and original cosponsors of this bill, as well as those who served in uniform elsewhere in that era.

I wholeheartedly endorse the measure, and I urge its swift passage, not only in recognition of the Korean War heroes who stand among us, but also for those who are with us in memory only.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to join my colleagues to recognize and to support the goals and ideals of the Year of the Korean War Veteran. Over 50 years ago, 1.8 million Americans answered the call to defend freedom and democracy in South Korea. They fought shoulder to shoulder with 21 allied countries under the banner of the United Nations.

The United States suffered 36,577 dead and 103,284 wounded during the Korean War in some of the most horrific conditions in the history of warfare. In my state of Texas alone, 289,000 served in the Korean War. More than 1,700 Texans were killed or are missing in action. Sadly, many of our Korean War veterans did not receive the proper welcome home or thanks for their selfless service and sacrifice. They did not receive the recognition that had been given to veterans of previous wars. It is fitting then, that on the floor of the House we recognize and properly honor the bravery and sacrifices of our Korean War veterans and their families.

This year marks the final year of the United States' 50th Anniversary of the Korean War Commemoration and the 50th year of the Armistice. We should not only recognize the valor and sacrifice of those veterans but we should go one step farther, to ensure that our veterans' hospitals are fully funded and properly staffed. We should see to it that Medicare has a true prescription drug benefit package that will allow our veterans to afford the medication they need. We should provide a child tax credit for their grandchildren. If we truly want to honor our veterans, we must make sure we have social security funds that will take care of them. We are indebted to our veterans for their service, and this is the least we can do.

Mr. MICHAUD. Mr. Speaker, I rise to honor those who served in the Korean War and their families. Today, we are on the floor of the House of Representatives to consider House Concurrent Resolution 212 to pay tribute to the veterans of the Korean War and to support the goals of the Year of the Korean War Veteran. I fully support this legislation and ask my colleagues to do the same.

Fifty-three years ago, this country asked its citizens to defend the freedom of the South Korean people from an invading army and 1,800,000 Americans answered that call. Joined by twenty-one allied nations, under the banner of the United Nations, these brave Americans fought through some of the most terrible and horrific conditions in the history of warfare to protect the freedom of people in need.

Fifty years ago a cease fire brought the fighting in the Korean War to an end and allowed our brave soldiers to be reunited with their waiting and anxious families. Sadly, not everyone made it back home. Over 36,000 Americans died during three years of fighting and we honor their memory today.

Those that did return home were not greeted with the proper 'welcome home' that had been given to veterans of previous wars. Korean War veterans were not shown the recognition, gratitude and honor they deserved. For their willingness to make the ultimate sacrifice defending freedom and liberty, the brave men and women who served in the Korean War became veterans of the 'forgotten' war.

There are over 22,000 veterans from the era of the 'forgotten' war living in Maine, and I rise today to let them know that their bravery and sacrifice, and the bravery and sacrifice of their families will never be forgotten. I am pleased that the House is considering this important legislation. I fully support House Concurrent Resolution 212 to honor the veterans of the Korean War and their families and to recognize and support the goals and ideals of the Year of the Korean War Veteran.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this year marks the final year of the United States' 50th anniversary of the Korean War commemoration. Beginning on June 25, 2000, which marked the 50th anniversary of the invasion of South Korea, the commemoration period will continue through Veterans's Day of this year.

This Sunday, July 27th holds special significance because it will mark the 50th anniversary of the Korean War armistice.

Begun only five years after the end of World War II, the Korean War was, in many ways, the first reminder that America must remain the world's leading force for peace, prosperity and freedom—a responsibility we still hold today.

Called to fight back the brutal forces of communism, 1,800,000 Americans courageously participated in the Korean War. The United States suffered over 36,000 dead and over 100,000 wounded in some of the most horrific conditions in the history of warfare.

The service and sacrifices of our Korean War veterans 50 years ago saved a nation from communities enslavement and gave South Korea the opportunity to develop and flourish under freedom and democracy.

Sadly, the Korean War is sometimes referred to as the ''forgotten war.''

Perhaps it was the mood of a nation wanting to return to peace after the Second World War. But for the U.S. men and women who served, and for the families and friends of

those who paid the ultimate price, the Korean War can never be forgotten.

May this resolution, along with all the Korean War commemoration events taking place this year across the country, send a message, loud and clear, that ''we will never forget.''

All Americans must know, as the words etched on the Korean War Memorial reminds us, ''Freedom is Not Free.'' It cannot be taken for granted. Should this great country wish to preserve its freedom, we must pay tribute to those who paid the price for freedom.

Korean War veterans, I salute you.

Mr. KIND. Mr. Speaker, I rise today in strong support of H. Con. Res. 212, offered by my friend and colleague, Representative SAM JOHNSON.

This resolution properly recognizes the service sacrifice of the 22 nations, thousands of American service members, and millions of South Korean citizens who stood together half a century ago in defense of the principle of freedom.

The Korean Conflict is often referred to as the Forgotten War. Yet, this war is only ''forgotten'' by those who have not been blessed with the teachings of history—not by the millions of Americans, whose lives have been touched in so many ways by those committed to opposing tyranny and injustice, regardless of the sacrifices required.

America entered the Korean War with a military made up of a mix of war-scarred servicemen and women toughened by the hard lessons of Guadalcanal, Okinawa and Normandy, as well as a new generation of soldiers and sailors who had only seen war on the silver screen, and a newly created Air Force.

After three long, bloody years, the fighting ended. We had rebuilt a military that became, even by today's standards, one of the most coherent fighting forces in the world. The alliance, consisting of units from 22 nations, supported an armistice that prevented the potential death of millions more in a savage, spreading war, and permitted South Korea to flourish into a miracle of freedom that we witness today.

Tragically, nearly 37,000 American soldiers fell on the fields of battle and lost their lives in the Korean War.

There were also far too many who were taken prisoner or met an unknown fate, whose ranks of over 8,000 remain today unaccounted for, but never forgotten. Indeed today, this nation continues to search for every missing warrior who fought to preserve the freedom we cherish; we seek and demand the fullest possible accounting of America's fallen heroes.

It is our solemn promise that we will never forget or forsake them.

Nor will we forget the veterans who returned home to help reshape this nation and the world. And while some returned to parades and fanfare, many returned quietly without public recognition and the ''thanks'' they deserved.

On July 27, 2003, our nation will commemorate the 50th anniversary of the armistice with North Korea—giving us the opportunity to reaffirm our appreciation and extend the gratitude some soldiers never received. Many Americans, including the thousands of veterans and their families from that war, will take a moment to remember the meaning of their service: whether they rest in Korea, remain unaccounted for, or have returned home to their families and the freedom they fought to defend.

More than 1.5 million Americans served during the Korean War. Today, Americans are still there on-point, still defending freedom in Korea. Soldiers, sailors, airmen, and Marines serve alongside their South Korean counterparts, astride what has been called the world's most dangerous border.

We pause today to recall with gratitude the sacrifices of all veterans who have served the causes of democracy and freedom. To the veterans of the Korean War and their families, we especially offer our thanks. The world could be a significantly less friendly place if you had not stepped forward selflessly when you were needed. Thank you.

Mr. Speaker, from Korea to Iraq, let's not forget the sacrifices our men and women in uniform, and indeed their families have made on behalf of this great country.

Remember too, that on any given day, there are Americans on guard, demonstrating and defending democracy and freedom in over 100 countries around the world.

God bless our service members, our veterans and their families.

God bless America.

Mr. MILLER of Florida. Mr. Speaker, I rise today in wholehearted support of H. Con. Res. 212. I commend Congressman SAM JOHNSON, a true patriot, for introducing this legislation. I cannot think of a more appropriate individual to lead this commemorative charge to honor those who fought courageously and fearlessly for our country than this veteran who himself flew 62 combat missions in the Korean Conflict.

The Korean War marked the first time in history that the United Nations sent armed forces into combat to stop aggression. Armed forces and medical support units from 20 allied United Nations member states, along with the Republic of Korea and Italy, teamed together to halt the attempted communist takeover of the Republic of Korea. The services and sacrifices of our Korean War veterans a half-century ago saved a nation from enslavement and a world from communist domination. Our troops gave the emerging country of South Korea the opportunity to develop and flourish under freedom and democracy into the successful, modern nation it is today.

1.8 million heroic Americans answered the call to defend freedom and fight back the forces of communism. America suffered 36,577 dead and 103,284 wounded in some of the most horrific conditions ever known in history of warfare. Louie Kerr wrote of spending Christmas Day, 1950, on the Inchon River:

> December 25, 1950: I was a young sailor just out of boot camp when our ship, the U.S.S. *Graffias* AF28 was sent to Korea in support of our counterparts. After spending eighteen months there we had many adventures and stories to tell. But my most memorable one was the time we went up the Inchon River while taking small arms fire from the beach on Christmas Day to take food and supplies up to the First Marine Division who was tied down and unable to get supplies into them. I have talked to a few of them since the war, and believe me, they remember that day when they ate their turkey and ham and fresh fruit and nuts. We ate our Christmas Dinner the next day, but I don't think there was a single man on board who resented it.

On the heels of World War II, Korea was in many ways, the first reminder that America must remain the world's leading force for peace, prosperity, and freedom. The Korean War is often referred to as the ''Forgotten War,'' but this resolution will help to see that Louie Kerr's service and that of so many, many others must never be forgotten.

Fifty years ago this Sunday, the armistice was signed, ending the fighting in Korea and halting the spread of communism. American forces and those of her allies had thwarted the rise of communist power and North Korea's invasion into South Korea.

In May, I had the opportunity to visit North Korea. In Pyongyang, I saw firsthand the fate from which America rescued the people of South Korea in its commitment to freedom around the world. I saw a large city, trapped in time, oppressed by a bully regime intent on holding its people hostage for spoils their people will never know.

Mr. Speaker, H. Con. Res. 212 recognizes and supports the goals and ideals of designating 2003 the Year of the Korean Veteran and to commend the sacrifices made by all Korean War veterans. This resolution will engage committed communities, school, civic organizations, businesses, media and social agencies and organizations nationwide in the quest to honor and remember those who have paid the ultimate price, and who remind this great nation that Freedom Is Not Free.

Mr. REYES. Mr. Speaker, I rise in support of H. Con. Res. 212. During the last year that we observe the 50th anniversary of the Korean War, this resolution would honor the 1,800,000 Americans who courageously served in Korea by recognizing and supporting the goals and ideals of 2003 as the Year of the Korean War Veteran. With the passage of this resolution, Congress would call upon the President and state leaders to urge Americans to mark the Year of the Korean War Veteran with events that remember all those who so bravely fought in the defense of freedom. H. Con. Res. 212 shows our veterans that their courage and sacrifice will never be forgotten.

A veteran myself, I represent thousands of Korean War veterans living in my home district of El Paso, Texas. During my time in Congress I have gotten to know many of these exceptional men and women, and I have gained an understanding of the dreadful conditions they were forced to face in Korea. As a member of the House Committee on Veteran's Affairs, I am grateful to have this opportunity to simply thank them, and to honor them for their service to our country.

Too many Americans know the Korean War as the ''Forgotten War,'' as a blurb lost in their high school history books among better known wars. Yet the sacrifices made by our soldiers and the advancements they made for democracy are no less significant and no less deserving of our respect. The price paid by the 36,577 Americans who were killed in Korea and the 103,284 who were wounded is testimony to that fact. The time has come to properly recognize and respectfully honor veterans of the Korean War. I hope all my colleagues will join me in support of this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr.

SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 212, as amended.

The question was taken.

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

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 212, as amended.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FORBES) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to instruct and on motions to suspend the rules previously postponed. Votes will be taken in the following order:

Motion to instruct conferees on H.R. 1308, by the yeas and nays;

H.R. 1516, by the yeas and nays;

House Concurrent Resolution 212, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second electronic vote will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 212, not voting 29, as follows:

[Roll No. 398]

YEAS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—212

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
Deal (GA)
DeGette
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Kennedy (RI)
Kind
Lipinski
McKeon
Meek (FL)
Miller (MI)
Owens
Payne
Peterson (PA)
Ryun (KS)
Sanchez, Loretta
Terry
Towns
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FORBES) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1855

Messrs. FEENEY, GOSS, WELDON of Florida, WOLF, SMITH of New Jersey, ROHRABACHER, SIMPSON, and CUNNINGHAM, and Ms. GINNY BROWN-WAITE of Florida changed their vote from ''yea'' to ''nay.''

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote.

NATIONAL CEMETERY EXPANSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1516, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 1516, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 399]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
DeGette
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Lipinski
McKeon
Meek (FL)
Miller (MI)
Payne
Peterson (PA)
Ryun (KS)
Sanchez, Loretta
Sanders
Terry
Towns
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FORBES) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1904

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.''.

A motion to reconsider was laid on the table.

RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE KOREAN WAR VETERAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 212, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 212, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 400]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey

Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
DeGette
Duncan
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Lipinski
McKeon
Meek (FL)
Miller (MI)
Payne
Peterson (PA)
Portman
Ryun (KS)
Sanchez, Loretta
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FORBES) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 2789

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent to remove the following cosponsors from H.R. 2789:

The gentleman from Tennessee (Mr. DAVIS); the gentleman from Tennessee (Mr. JENKINS); the gentleman from South Carolina (Mr. BROWN); the gentleman from Georgia (Mr. NORWOOD); the gentleman from Georgia (Mr. COLLINS); the gentleman from Michigan (Mr. MCCOTTER); the gentleman from California (Mr. CARDOZA); and the gentlewoman from North Carolina (Mrs. MYRICK).

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

There was no objection.

NOTICE OF INTENTION TO RAISE QUESTION OF PRIVILEGE OF THE HOUSE

Mr. RANGEL. Mr. Speaker, I rise to give notice of my intention to raise a question of privilege under rule IX, and the form of the resolution is as follows:

Whereas, during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment, the chairman of the Committee on Ways and Means directed majority staff of the committee to ask the United States Capitol Police to remove minority party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority party members of the committee;

Whereas pending a unanimous consent request to dispense with the reading of that amendment, the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now, therefore, be it resolved, that the House of Representatives disapproves the manner in which Representative Thomas summoned the United States Capitol Police to evict minority party members of the Committee on Ways and Means from using the library of the Committee on Ways and Means, as well as the manner in which he conducted the markup in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New York will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2575

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2575.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. ROSS. 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:

Number 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 an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Number 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 individual serving in the combat zone.

Number 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.

Number 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 the astronauts who died in the Columbia disaster.

Finally, number 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.

The SPEAKER pro tempore. Pursuant to the rule, the notice will appear in the RECORD.

PEACEKEEPING AND HUMANITARIAN ASSISTANCE FOR LIBERIA

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the last 48 hours, the city of Monrovia, Liberia, has been overrun with rebels. Women and children are fleeing for their lives, and people are dying. Yet our Nation is standing by, refusing to act as expeditiously as we should.

It is important to say to the American people that this is distinctive from the issue of war in Iraq where brave young men and women every day are on the frontline protecting the interests of the United States of America. This is a situation where the Liberian people who are well connected with this Nation have asked for peacekeeping and humanitarian assistance.

□ 1930

It is imperative that we join in with the United Nations and the organization of West African states as peacekeepers and for humanitarian aid to this country. It is imperative that we act now to stop the loss of life.

I too want to ensure that the young men and women who serve in the United States military are not put in harm's way. My position on the war in Iraq is well known, but this is a different set of circumstances. The people of Liberia are begging for our assistance, and our assistance is being asked for truly and only as peacekeepers and humanitarians.

I believe it is imperative for the President of the United States, the Secretary of State and the Secretary of the Defense Department to act expeditiously, not only to protect the United States embassy and Americans in the United States embassy and in Liberia, but to be a friend to Africa, as represented in the last visit by the President of the United States, in order to protect the innocent women and children and families that are desiring the aid of this Nation in a humanitarian and peacekeeping manner.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from NiCole Dolski, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rule of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

NICOLE DOLSKI,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Terry Hiser, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TERRY HISER,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Tina Cobb, Congressional Aide of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TINA COBB,
Congressional Aide.

COMMUNICATION FROM DISTRICT CHIEF OF STAFF OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Brian Miller, District Chief of Staff of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

BRIAN MILLER,
District Chief of Staff.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ELTON GALLEGLY, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Paula Sheil, District Director of the Honorable ELTON GALLEGLY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

PAULA SHEIL,
District Director.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes.

REIMPORTATION OF PRESCRIPTION DRUGS WILL BENEFIT AMERICAN SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Madam Speaker, as the conference for a Medicare prescription drug benefit gets under way, we are reminded how difficult this compromise will be and that the bills in both the House and the other Chamber will leave many seniors with many high prescription drug costs.

We have a bipartisan bill with the gentleman from Minnesota (Mr. GUTKNECHT), the gentlewoman from Missouri (Mrs. EMERSON) and myself, other Republicans and Democrats from both

sides of the aisle, people who do not usually see issues alike and come together, but find a common set of values in this legislation that opens up the market on prescription drugs to Canada and other, European countries.

Through competition, we would lower prices, and the truth is for all too long the elderly and the American families in our country, in our districts, have been subsidizing the poor, starving French and German and Swiss and English and Canadians who have artificially low prices. And we have been charged overwhelmingly; we pay in this country top, premium prices for prescription drugs.

What I want to do and what this legislation would call for in a bipartisan fashion would open up the market. We have a closed market now. We do not have that type of closed market when it comes to cars, when it comes to steel, when it comes to food products, when it comes to software, when it comes to all types of products; but in the area of pharmaceuticals, we have a closed market, and Americans are paying top, premium prices.

Two weeks ago Families USA released a study. Prices for the top 50 drugs most commonly prescribed to seniors increased at 3½ times the rate of inflation. Total spending for senior citizens on prescription drugs rose an estimated 44 percent between 2000 and 2003. The only means available to reduce prices of prescription drugs which our families and our seniors pay at the local pharmacy is to have real competition.

In Canada, in England, France, Germany, many of the folks there pay 30, 40, 50 percent less for the same name-brand drugs. Why? Because the pharmaceutical industry can, here in America, charge a premium. We pay the highest prices, and the only way we pay the highest prices is so they can afford to pay the lowest prices.

In my view, it is time that we have legislation that ensures open access, open markets in the area of pharmaceutical medication, and through that free market, we will reduce prices.

Second, if you are about to embark on the largest expansion of entitlement in over 40 years, $400 billion, would you not want to ensure that the taxpayers got the best bang for their buck? $400 billion we are about to ask the taxpayers to spend, and yet we do nothing to protect the taxpayers or the elderly to get the best price for that.

Now, this question is whether we will go over 10 years. My view is, if we are about to ask them to pay $400 billion to subsidize prescription drugs for our elderly, we should ensure that if we can save 25 percent, 30 percent, 40 percent, which is what you can do through market access, we should afford the taxpayers and the elderly reduced, affordable prices.

One, guarantee the taxpayers of this country the best prices their money can buy. Two, ensure that our elderly, who are on fixed incomes, get the types of prices that are now being paid for the same medications in France, Germany, England or Canada. We will then need not ask our seniors to pay the premium price.

Now, one myth that the pharmaceutical industry keeps spreading is that somehow this is about safety, that the FDA cannot do this. The truth is, if somebody tells you it is not about money, it is about money, and that is what is at stake here. The pharmaceutical industry understands that for a very long time they have had a protective market here in the United States. If we were to open up the market, they would have real competition and the prices would drop.

Second, I think it is very, very important. I understand the political process, as everybody does. We should all know that the pharmaceutical industry has about 600-some-odd lobbyists here in town. It is about a lobbyist and a half for each Member of the United States Congress. They give out and support through donations and other entertainment close to $200 million and support the candidates and Members of Congress through entertainment and donations. But the $200 million we get, and there is nothing wrong with that, that is what they do, that is what they advocate for their position.

But the $200 million they give out in donations, contributions and entertainment pales in comparison to the $200 billion our seniors have been overcharged.

When this vote occurs this week, each Member will ask to speak and vote on behalf of the people of their district, and the question will be, will we continue a practice in which our elderly are overcharged by $200 billion, our taxpayers will be overcharged and pay the top, premium price rather than the most affordable price; or will we continue to accept these types of donations and entertainment and put our interests above the people that we represent?

I have full faith in my colleagues here that we will stand up for the people we represent, because we came here not just to be another vote but to be a voice for their values. Their values say, it is time to ensure that our taxpayers and our elderly stop subsidizing those in Europe and in Canada with more affordable prices while we in America pay premium prices.

HONORING SENATOR ROBERT J. DOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, I rise this evening to pay tribute to a great man and a great Kansan, Senator Robert J. Dole. Tomorrow, July 22, is Senator Dole's 80th birthday. In those 80 years, Senator Dole has become one of the most influential figures in American politics. Part of the Greatest Generation, Senator Dole is an example of an ordinary American who was called upon to meet extraordinary challenges and has risen to those challenges time and time again.

A native of Russell, Kansas, Senator Dole was born to humble beginnings. I grew up within 20 miles of Bob Dole's hometown, and I know the dedication, commitment, love and respect that the people of Russell share for their hometown hero.

In high school, Senator Dole was a good student and a good athlete and went on to enroll at the University of Kansas to pursue his lifelong dream of becoming a physician. Like so many of his time, he heard the call to defend his country and left KU after his sophomore year to join the U.S. Army.

Dole excelled in the military and he served as a platoon leader of the 10th Mountain Division in the allied liberation of northern Italy. For his service and bravery in World War II, Senator Dole was decorated with two Purple Hearts and a Bronze Star medal.

Senator Dole is also well know for his service to our country as a Congressman, a U.S. Senator and the longest-serving Senate majority leader.

Senator Dole began his public service as the county attorney in Russell County where the entire county's population is less than 10,000 people. From there, he served 4 years in the State legislature before being elected to Congress where he would serve for the next 36 years.

During his time on Capitol Hill, Senator Dole was known as a tireless leader who worked relentlessly to forge alliances in order to pass significant legislation. As a disabled veteran, he championed legislation to improve the condition of his fellow veterans and for the disabled, including the landmark bill, the Americans with Disabilities Act. Senator Dole also served as Gerald Ford's running mate in 1976 and received the Republican nomination for President in 1996.

Starting this week, Senator Dole's legacy of public service will live on through the Robert J. Dole Institute of Politics at the University of Kansas. The Institute's director and four-time Presidential librarian, Richard Norton Smith, explained that ''this place is about service, that every generation could be the greatest generation.''

The Institute is a resource for the citizens of our great State and for our Nation. The Center for Politics and Media focuses on public programming, including the Dole Lecture Series, the Dole Prize for Leadership, and the Presidential Lecture Series. The KU campus will also be enriched by this new collection of resources.

I am proud that my alma mater, the University of Kansas, has created this living tribute to a life of service. A university has no greater mission than to prepare our Nation's future leaders. This center will serve as a tremendous resource in that cause.

Since Saturday, Lawrence, Kansas, has been the center of a 4-day celebration culminating in the formal dedication ceremony of the Institute tomorrow morning. The dedication festivities include activities reminiscent of World War II, including an air show, an airplane display, a veterans' reunion, a living history encampment, and a reenacted USO show.

□ 1945

These activities are only a small token of Kansas' appreciation and affection for Senator Dole. It is my hope he will realize how much his lifetime of public service means to our State and Nation.

Bob Dole is a tremendous role model for those of us involved in public service. I thank Senator Dole for his service to our country. He exemplifies so well our country's Greatest Generation, and happy birthday.

ORDER OF BUSINESS

Mr. BACA. Madam Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore (Ms. HARRIS). Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING OPPOSITION TO SINGAPORE-CHILE FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Madam Speaker, I rise today in opposition to the Singapore-Chile Free Trade Agreement. The Singapore-Chile Free Trade Agreement will do nothing to promote free trade and will do nothing to help workers in this Nation. We need jobs right here in the United States, right here, not in another country.

We have seen the damage that has happened when Congress passed free trade agreements. NAFTA cost the Americans 766,000 jobs, 80,000 from California alone. We need to create jobs for working families here in the United States. We must not let this happen again. Our people need jobs. They need to put food on the table, not fear that their jobs are going to be lost to some foreign country.

By negotiating this agreement, it is clear that the administration has overstepped its authority by creating an agreement that does not protect the rights of the American worker, I state, does not protect the rights of the American workers.

These agreements will further hurt the American manufacturing jobs at a time when we watched 56,000 manufacturing jobs disappear last month.

They are an assault on workers' rights. In the Singapore agreement, there is only one enforceable provision that attempts to protect workers, one, I state one; but that provision ultimately will do nothing to protect workers because it merely says that Singapore should uphold its labor regulations. Furthermore, it does not even say what those regulations are; and under this agreement, Singapore is allowed to define what rights workers have.

This is unacceptable. What will happen to workers if Singapore decides to ban unions? What will happen to workers if Singapore decides to allow sweat shops and child labor? What will the United States be able to do under this agreement? Nothing, absolutely nothing. This agreement ties our hands. This agreement will allow countries to weaken labor standards and exploit workers all in the name of profit. It is not safe, and it is not fair; but the lack of labor standards is not what is wrong with this agreement.

The Singapore agreement contains a provision that has no reason to be included. Under this agreement, Singapore will be able to import raw materials from countries like China and assemble them and import it into America duty free. Why is this provision there? China has a horrible labor standard and runs prison labor camps. Why are we allowing China to benefit from this? We are giving China, who has very few protections for its workers, the right to piggyback on this agreement and bring goods to America duty free.

Is this a free trade agreement with China, or is it with Singapore? Why must we support China's poor labor standards? There is no reason and no excuse for this unfair, dangerous provision. This agreement should be about trade and improving economic interests of both nations.

So why is it that there are immigration rules included in this agreement? The administration tried to slip one over on Congress by negotiating a new rule for temporary foreign workers. They overstepped the bounds set by the Trade Promotion Authority and reduced Congress' role to a rubber stamp. Well, I will not stamp it.

Immigration legislation demands debate. It demands the attention of our committees. The safety of our country is at risk when immigration rules are decided in back rooms and dark corners. We want safety, and we demand fairness. It is not fair to transfer workers all the way from Singapore and Chile to take away jobs while an entire workforce, ready, willing and able, stands behind a fence at Mexico's border.

These agreements are not safe, and they are not fair. America should be worried. Its workers should be worried. We must not let this become the future example for a free trade agreement with America. We must stand together and fight against unfair and unsafe agreements that hurt the American workers. We must support our workers, the American workers. We need to improve the quality of life here in America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. DEFAZIO. Madam Speaker, I ask unanimous consent to proceed out of order.

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

There was no objection.

HOUSE REPUBLICAN PRESCRIPTION DRUG PLAN: A BITTER PILL FOR AMERICA'S SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, this week the House will take a historic vote, probably very late toward the end of the week, late in the evening, giving the pharmaceutical industry the maximum amount of time to beat back a provision of law that would lower the price of prescription drugs for every American, not just those on Medicare, but every American.

Let us use a couple of examples here. This is a simple vote. It would allow Americans to reimport, without limit, American-manufactured, FDA-certified, safe drugs from Canada back into the United States. The interesting thing about these drugs is they are manufactured in the United States of America; but when they take a vacation to Canada, their price drops dramatically because the Government of Canada, unlike the Government of the United States, with the exception of the Veterans Department and some other agencies at the Pentagon, negotiates with the pharmaceutical industry and negotiates lower prices. They use market forces to benefit the people of Canada.

The Republicans here in the House, bizarrely enough, are offering a $400 billion prescription drug benefit for seniors that is based on subsidies to the private insurance industry and supporting the outrageous list price for drugs, which no one pays except the uninsured; but they would mandate that that be done. They would outlaw the United States Government from negotiating lower prices, unlike the Government of Canada, the Government of Great Britain, the governments of all the EU, virtually every other government in the world. In almost every country in the world a person can buy U.S.-manufactured, FDA-certified drugs for a substantial discount below the price those drugs are made available here.

In the case of one drug for glaucoma, Xalatan, the cost in the U.S. is $631 a year. If we buy it in Canada, it is $429 a year. If the government negotiated, as the VA does, we can get it for $336 a year; but under the brilliant Republican plan here in the House, a drug that costs $631 a year will cost a senior $746. They will pay actually more than the drug costs today list price. This is the grand new benefit that they are going to deliver at a cost of $400 billion.

We could lower the price of drugs more substantially for every American, particularly those on Medicare, by simply voting for and allowing the safe reimportation of U.S.-manufactured, FDA-certified drugs from Canada, plain and simple.

We are going to hear a whole host of reasons why that is a bad idea. It will hurt their profits. Yes, it will hurt their profits. They say, well, if our profits go down, we will not do the research. That is a lie. The pharmaceutical industry makes its money on new drugs. They get an exclusive 17-year patent for those drugs. That is their profit center. The last thing that is going to go is the research because that is where they are going to make their money. Maybe they will cut the obscene salaries of their CEOs. Maybe they can be get by on two, three million a year instead of sixty.

Maybe they will cut the billions they are spending to direct promote their drugs on television, something that was outlawed by the FCC and the FDA until quite recently and something that is very problematic, to get people induced to go out and by a particular drug, to go into their doctor who is pushed for time and say I want that purple pill, I saw it on television. Well, that is not what you need. I want the purple pill. Okay, I have only got 10 minutes, you are out of here, you have got the prescription. Doctors tell me they do that. So if they saved those billions, they cut the salaries and some of their other overhead and administrative costs, they would still have plenty of money to do the research, and they could still earn a good profit; but Americans would pay 40 or 50 percent less for their drugs.

They say this legislation will kill people. They claim somehow the drugs that took a vacation to Canada have become unsafe while they were there. They say this will kill people. I will tell my colleagues what is killing people in the United States of America today: the fact that they cannot afford life-saving drugs. There are seniors in my district who divide their drugs in half. There are seniors in my district, couples, who decide which one is going to get the critical drugs this month because they cannot afford to buy all of them because they do not have a benefit. That is killing people.

Bringing back U.S.-manufactured, FDA-certified drugs from Canada is not going to kill people. It will kill obscene profits on the part of this industry because they are gouging America's seniors. America's seniors are paying twice as much as people in Canada for many drugs and even more if we go across the border to Mexico.

So this is going to be a simple vote, but it is going to be a vote on which millions of dollars are unleashed to send false messages to try and pressure Members of Congress to vote against the interests of all Americans who would be healthier and benefit from less expensive drugs. We could do this through the miracle of market forces and, yes, even free trade.

I voted against the NAFTA agreement. I think it stinks and it is killing jobs in this country; but guess what, probably prohibiting the reimportation of drugs is NAFTA illegal, but no one ever files a complaint when these NAFTA illegal things benefit the big corporations, only when they benefit people, and this Congress is going to try and stop changes in that situation.

THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Madam Speaker, I rise today to share another tragic story with my colleagues of another senseless criminal act that could have and should have never happened but was allowed to take place because of our broken immigration system.

By the accounts of those who knew him best, 27-year-old Tony Zeppetella was a model son, a good brother, a loving husband and father, and a valued law enforcement officer with the Oceanside, California, Police Department. Sadly, the world lost Officer Zeppetella just last month when he was gunned down on a routine traffic stop. According to witnesses, it was a brutal gangland-style murder. Officer Zeppetella was shot once as he was walking away from the suspect's car. The suspect then pistol-whipped Officer Zeppetella, grabbing his firearm in the process and shooting him again at point blank range.

Madam Speaker, the individual accused and arrested for the murder is Adrian Camacho, an illegal and criminal alien who has a rap sheet that includes numerous gang- and drug-related charges and convictions and hard prison time. While it appears Adrian Camacho has been deported a number of times to his home country of Mexico, he was allowed to continue to return to his personal criminal playground, the United States, time after time after time.

America's committed law enforcement officers who protect us every day, officers like Tony Zeppetella, deserve better than an immigration system that creates a revolving door for 80,000 criminal aliens living in the United States, a system that asks them to spend their time arresting, then rearresting the same individuals. This makes their job far more difficult and dangerous than it already is.

Earlier this month, along with the gentleman from Florida (Mr. BOYD), the gentlewoman from Pennsylvania (Ms. HART), and the gentleman from Georgia (Mr. DEAL), I introduced The CLEAR Act. It is a bill that would address our Nation's criminal alien crisis and make a real difference for our men and women wearing the badge.

More specifically, The CLEAR Act would require the Federal Government to take custody of criminal and illegal aliens apprehended by local and State law enforcement agencies or else pay the locality to detain them. It would also create a new system for the Bureau of Immigration and Customs Enforcement, or now known as BICE, to take custody of criminal and illegal aliens from localities and take them to a BICE facility for processing and deportation.

If a Federal agency is truly uncooperative in this process, The CLEAR Act allows the local or State law enforcement department to hold that agency accountable by establishing an unprecedented administrative review process and fine schedule.

□ 2000

Lastly, the CLEAR Act would create a very real financial disincentive for criminal and illegal aliens, like Adrian Camacho, from illegally returning to the United States over and over again.

It is also a bill that carries the endorsement and support of our Nation's well-respected law enforcement groups, groups such as the National Sheriffs' Association, the Law Enforcement Alliance of America, the Southern States Police Benevolent Association, and the Friends of Immigration Law Enforcement. These are groups that represent America's rank-and-file officers and are groups that understand that an immigration system that allows 400,000 illegal immigrants with deportation orders to walk our streets and a system that allows 80,000 criminal aliens to continually commit violent and horrific crimes within our borders is an immigration system that puts our men and women wearing the badge in additional undue and unnecessary danger.

Madam Speaker, Officer Tony Zeppetella is a hero to the people whose lives he touched, his family, his wife and infant child, and friends and fellow officers that he left behind, but he is also a hero to all of us who are Americans because of his service to make our Nation a safer place.

Madam Speaker, it is time our Federal Government and this Congress got serious about our criminal alien crisis. The dangerously inefficient immigration system we have today has created far too many stories like that of Officer Zeppetella.

I urge my colleagues to do the right thing. Take a thoughtful, long look at our problem. Support our local and State law enforcement officers. Support the CLEAR Act, and let us

straighten up this immigration system in America.

SECRETARY POWELL MEETS WITH TURKISH FOREIGN MINISTER ABDULLAH GUL

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, this Thursday Turkish Foreign Minister Abdullah Gul is scheduled to visit the United States for meetings with U.S. Secretary of State Powell. On the eve of his visit, I come to the House floor to highlight two serious issues: first, the ongoing blockade against Armenia; and, second, the nearly three-decade-long occupation of the northern third of the sovereign Island of Cyprus.

Madam Speaker, for the last 11 years, Turkey has imposed a crippling blockade against Armenia. The blockade clearly runs afoul of U.S. and international law. In fact, both the U.S. Government and the European Community have repeatedly called on Turkey to lift their campaign of attempting to starve an entire nation. Turkey's denial of U.S. and international assistance to Armenia is in violation of their commitments to the Organization for Security and Cooperation in Europe, which they have signed.

Madam Speaker, Turkey's blockades not only affect Armenia, they affect the entire South Caucasus region. By choking off a major transportation region across the Caucasus, Turkey is stunting the growth of the economies of Armenia, Georgia, Azerbaijan, and even Turkey itself. I urge the administration to take an active role in pressing Foreign Minister Gul to open the border with Armenia.

The administration has consistently supported the development of normal relations between Armenia and Turkey and should continue to do so. A resolution of this dispute will mean stability and further economic development of the South Caucasus, and this should be done immediately and without preconditions.

Madam Speaker, Turkey's continuing occupation of the northern third of the Island of Cyprus is also one of Turkey's most egregious violations of international law. Yesterday marked the 29th anniversary of Turkey's illegal military occupation beginning on June 20, 1974.

This has been a monumental year for the Island of Cyprus. The European Union's decision to invite the divided island into the EU has placed intense international scrutiny on the reunification talks. The EU invitation is for the Republic of Cyprus, which is internationally recognized as the legitimate government of the entire island. But EU membership would be suspended in the occupied area until the end of the Turkish occupation, and the Cypriot parliament has unanimously approved the accession to the European Union.

Recent moves by Rauf Denktash, the Turkish Cypriot leader, have failed to lessen international pressure. Denktash's move to partially lift restrictions on movement across the UN's cease-fire line and give the ability of Turkish and Greek Cypriots to briefly visit the other side of the island has brought a glimmer of hope, but also renewed frustration to the Cypriot people.

Tens of thousands of Turkish Cypriots in the north have recently peacefully protested Denktash's decision to reject the U.N. plan to reunify the island, and Turkish Cypriot citizens made this rare public rebuff of Denktash's demanding reunification so that the coming prosperity of the European Union-Cyprus partnership does not pass them by.

Madam Speaker, when Foreign Minister Gul comes to meet with the Bush administration, I would hope these issues would be discussed. Turkey has long stated that it is a Western-leaning European democracy, but in this country it will no longer be judged solely by its words. Now they must fulfill their obligations under international agreements and laws by dropping their illegal blockade against Armenia and finally removing their troops from the Island of Cyprus.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I rise again tonight to talk about an issue that I suspect many of my colleagues are becoming weary of, and frankly, I am as well. It is the issue of the cost of prescription drugs and what we pay in the United States compared to what the rest of the industrialized world pays for those exact same drugs.

What I have tonight is a chart. I apologize, it is a little difficult to read. I am going to hold up the back of today's Congressional Daily. It has a picture of two tablets in a little cardboard container and under it the captions says, ''Quick. Pick The Capsule That Hasn't Been Tampered With.'' And somehow we are supposed to believe that if we allow Americans to have access to FDA-approved drugs from FDA-approved facilities from around the world, that obviously people are going to tamper with them and people will die.

So we have made up our own little chart, a little comparison that says, ''Quick. Pick The Bottle That Hasn't Been Tampered With.'' Can you pick which one?

The fact of the matter is, this year we will import from other countries, and I have the exact number, $824,888,000 worth of imported wine. Now, it is altogether possible that somebody could tamper with that wine. Yet every day Americans buy bottles of wine from all over the world and they open that wine, and how do they know that it has not had arsenic put in it? They do not. We take a risk every day.

Every day Americans eat imported plantains, imported cucumbers, imported fruits, imported vegetables, and imported meat. Americans take a risk every day and we do not even inspect them. Well, I take that back, we do inspect them a little bit. About 2 percent of the products coming into the country get inspected. But, nonetheless, if you eat an imported food that has some form of food-borne pathogen and you die, you are still dead.

Now, what do we know. The CDC and the FDA keep very good records, and we have had testimony and we have asked them this question several times, how many Americans have actually become seriously ill or died from taking FDA-approved drugs from other countries? And it is an easy number to remember. It is a nice round number. The number is zero. Yet we continue to hear these scare tactics.

Scare tactics serve only one purpose, and that is to obscure the facts. The facts, I think, speak for themselves, though, and that is that Americans, because we are a captive market, pay the world's highest prices for drugs, which largely are developed here in the United States and many times paid for by the taxpayers' research dollars. Let us take one drug, perhaps the most effective anti-breast-cancer drug ever developed, Tamoxifen, developed essentially here in the United States with taxpayer dollars.

We invested almost half a billion dollars, taxpayer dollars, developing Tamoxifen, but here is what really chaps my hide. Americans are expected to pay $360 a month for Tamoxifen. That drug can be purchased every day of the week in Germany for $60, as we did, or it can be bought in Canada for $50.

Now, scare tactics are really not about helping Americans understand the facts, because the facts speak for themselves. It is about trying to obscure the facts.

We require in our bill that we begin to develop a process of counterfeit-proof, tamper-proof packaging which will benefit whether the drugs are imported, exported, or made and consumed here in the United States.

This is really about profit over people. It is not about safety, it is not about research, it is about money. It is about big money. We estimate that over the next 10 years, seniors alone, if we open up markets and markets level those prices here in the United States, seniors alone could save over $600 billion. That is with a ''B''. We are talking real money. As my colleague from Oregon earlier said, that could be worth more than this entire prescription drug benefit plan that we are talking about.

Let me tell my colleagues the story of Dr. Wenner from Vermont. Her clinic began to encourage, or at least assist their patients to buy their drugs from

Canada rather than in the United States. They have kept very scrupulous records. So far the records she gave us in testimony, which was sworn testimony before a subcommittee here in the House, was that her patients had been saving 62 percent, and she had seen no adverse reactions to the drugs.

Later this week Members will get a chance to vote on this important matter, and they are going to have to ask themselves, is it really about safety? Is it really about research? Or is it really about putting profit over people?

Ultimately, we are going to have to ask ourselves those questions and we are going to have to defend the answer. Because if a year from now we are still paying $360 for that Tamoxifen and the Germans are paying $60, it is not shame on them, it is shame on us.

ORDER OF BUSINESS

Ms. SCHAKOWSKY. Madam Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

LETTERS IN SUPPORT OF INDEPENDENT COMMISSION TO INVESTIGATE EVIDENCE OF IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. I appreciate it very much, Madam Speaker.

I once again this evening continue reading constituent mail that has come to the State of Illinois, 3,621 comments, that were actually made available to people by MoveOn.org, which had on the Web site a petition that said, ''We believe that Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs.''

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A number of times, the Speaker has cautioned Members who get up to be careful that we say proper things and do not impugn anybody's integrity on this floor. I agree that we ought to have a level of decorum. But I want to also read a quote from Theodore Roosevelt, because these are coming from constituents who only want to know the truth and want a process, an independent commission to make sure that we get the truth about why it is that the United States thought it was an imminent threat that we had to go to war. This quote, I think, is important for us to look at. This is from the former President, Theodore Roosevelt:

''To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile but is morally treasonable to the American public.''

So it is really in that spirit that many, many people, in fact, about 320,000 people who are also calling for an independent commission to investigate the truth about the rationale for going to war in Iraq who have sent letters. Here is one, from Darryl of Watseka, Illinois:

''As a father of one of our Nation's finest, I respectfully request that you demand an independent review of our government's actions leading up to the war in Iraq. The U.S., once a greatly respected Nation around the world, has now made a large part of the world not trust us. If we as a Nation do not question questionable acts of our own government, how can we go around the world telling other nations to create democracies when the one we have seems more like a dictatorship than a democracy?

''The current leadership of this great Nation and the media manipulated the general public into believing Iraq was a threat to us. If we don't question these actions, how can we question the actions of other nations? For years, the world has stated that the U.S. has a double set of standards, one for us and one for the rest of the world. Will we set a precedent of attacking other nations with false justification for the rest of the world? What are we teaching our children? It's okay if you don't like someone to attack them first because our government says it's okay.

''Before the war, President Bush and Colin Powell claimed that Iraq was a threat to our security with weapons of mass destruction and nuclear weapons. Since the war, they have changed their tune and say that Iraq had a weapons program. That alone should make one want to question their actions. Don't let politics dictate your actions, let the facts. When I hear that other nations think President Bush is more of a threat to the world peace than Iraq was, it disturbs me. I love my country and believe that we can make a difference in the world, but if we don't question these actions, I highly doubt that the rest of the world will trust us again.''

Rodney from Sauk Village says:

''My youngest brother is in Baghdad in a rank heavy unit which is costing taxpayers millions of dollars per month in salary alone. Our men and women are still over there being killed but the President claims the war is over. I can't tell. I've always been of the belief that if you get tired of being treated a certain way, eventually you'll stand up and do something to change it. We need to be focusing on the wars at home like gang violence, AIDS and the homeless.''

Ronald from Malden says:

''I am a 'never miss an election' independent who has never voted a straight party ticket. I seriously would like to know who misled us or the President or if our intelligence community is this poor. It appears there are no weapons of mass destruction or our great intelligence that told us all about them before the war certainly could have located at least a few of them by now. Billions of our tax dollars have been spent on this war and billions more will continue to go out every month for years now because of this while we cut domestic programs, spend billions on interest alone for the deficit to cut taxes, most to people who do not need it, and mortgage our children's future. Because of lies? Because of incompetency? I want to know what happened.''

Beth from Plano, Illinois:

''The public, especially the families of the women and men who have bravely entered into military service, worry, and justifiably so, that the war in Iraq is turning out to be a second Vietnam. We want to know whether this war was truly justified, or if President Bush and his administration merely embarked upon a reckless revenge match with disregard for the very citizens they have sworn to protect.''

Mary from Westmont, Illinois:

''I have a nephew in the military and a niece soon to follow. Why were our young men and women's lives threatened, lost?''

This must be stopped.

HEAD START

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Madam Speaker, I would like to point out that appropriate committees in the House and the other body are investigating those issues of concern to the previous speaker. If those committees do not appropriately handle the issue, then I am certain that an independent investigative commission would be in order.

Madam Speaker, I rise tonight to speak about Head Start. This week it is scheduled to be reauthorized on the House floor. Currently, there is much confusion about Head Start and its reauthorization. The facts are these: number one, Head Start serves approximately 1 million children. Secondly, state-run early learning programs service another 1 million eligible preschool children. That is 2 million out of 3 million, so that means 1 million essentially are falling through the cracks. Of course, this is of great concern because where you start out in the learning curve usually signifies where you are going to end up. So we are serving only two-thirds of those children who are eligible.

Head Start is effective in social development, language proficiency, and some early learning skills and is very worthwhile. I think most people that know anything about Head Start certainly advocate the program and feel it is something that we really need to continue to reauthorize. But I think it is important also to realize that Head

Start children enter the program at the 21st percentile of school readiness. They leave the program at the 24th percentile of school readiness. So after 2 years, $6,500-per-year education, they are improving roughly 3 percent. Certainly that can be improved. That is essentially one thing that will be addressed in this reauthorization.

Reauthorization does this: it certainly strengthens the present Head Start programs and increases funding by $202 million to $6.9 billion. So there is a funding increase. It improves teacher qualification requirements. It does not weaken the teacher qualification in any way. It keeps Head Start under Health and Human Services. There has been a misperception that it is being moved to another Department. That is not true. It preserves the current health and nutrition programs. It does not change them at all. And provides extra funding for underachieving programs. These are all things that have been similar in the past.

There are three significant changes that I think are worthy of note: number one, the reauthorization strengthens the academic components of curriculum and improves school readiness, so such things as vocabulary, early reading, learning letters, learning numbers will be ramped up; and we hope that instead of ending up at the 24th percentile of school readiness, they might end up at the 35th or the 40th or the 45th percentile. This definitely needs to be improved and it will be.

Secondly, this reauthorization provides an optional eight-State pilot program, so 42 States will remain the same and only eight States who choose to do so will enter into this pilot program. What this does, it provides a seamless program that coordinates State standards for early childhood education with Head Start so we do not have two programs on the same track existing side by side which is very expensive and furthermore causes a lot of children to fall through the cracks. We will serve more kids.

Then lastly, it encourages parental involvement to transition from Head Start to elementary school. One of the great things about Head Start right now is that parents are involved with children in Head Start. Traditionally and typically when kids go on to elementary school, the parents drop out of the picture. And so in the reauthorization, we are trying to make sure that parents stay involved with their children from Head Start on into elementary school, and this certainly is one of the things that can tremendously benefit children in this program.

We encourage our colleagues to vote ''yes'' on this reauthorization. This is an important program. I believe that the reauthorization strengthens the Head Start program. We urge a ''yes'' vote.

REGARDING THE U.S.-CHILE AND U.S.-SINGAPORE FREE TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Madam Speaker, I rise tonight to urge my colleagues to oppose the U.S.-negotiated free trade agreements between our country, Chile. And Singapore. Both of these agreements in my opinion represent a substantial backwards step from existing trade policies in terms of labor and environmental protections and set, to me, a dangerous precedent for future free trade agreements, especially as we look to the future and what we are going to be doing with Central American countries.

Do not get me wrong. I am not opposed to trade. But I would like to see fair and equitable trade. Trade between countries can yield enormous benefits for businesses and economies and working families of all countries if it is done fairly. Two years ago, I voted on this floor to support the Jordan Free Trade Agreement, an agreement passed unanimously by this Congress. That agreement included fundamental labor and environmental standards that made it an exceptional model for future trade policy.

Unfortunately, the U.S.-Chile and U.S.-Singapore free trade agreements negotiated by this administration fail to include many of the provisions that were included in the Jordan agreement that could have been used as a model. In fact, the agreements' enforcement standards are, in many respects, weaker than those in NAFTA, an agreement that has resulted, as Members know, in the loss of thousands of jobs and a larger trade deficit. Rather than backtrack on trade policy, we should be building upon trade policy established in the Jordan Free Trade Agreement.

The Jordan Free Trade Agreement required that Jordan not only meet internationally recognized labor standards on child labor and the right to unionize but to enforce them as well. The agreements with Chile and Singapore fail to do this, allowing even the most rampant violations of core labor standards to go undisputed. The one commitment that can be enforced under the agreements, the commitment to abide by the country's own domestic labor laws, is merely subject to limited fines, a lot of good that is going to do, a much weaker penalty than the trade sanctions available for commercial disputes.

The agreements are also troubling because they create an entirely new visa category which would allow employers to bring thousands of temporary workers into the U.S. at the expense of American jobs. The result would be a vast influx of foreign professionals from many low-wage nations competing with American citizens for higher paying jobs. They would fill virtually any service sector job in industries such as finance, engineering, medicine, and law. Though the administration made improvements upon its original draft implementing legislation of these new visa programs, the implementing legislation for the new visa programs still falls short of existing H1-B programs. It omits important safeguards for ensuring that employers do not abuse temporary workers to undermine the domestic labor market.

Whether you support free trade or not, we can all agree that we should not be allowing for the entry of thousands of temporary workers at the expense of jobs that can be filled by American workers, especially in a time of unemployment when we are at a 9-year high. In my own district, I repeatedly let people know that our unemployment rate is above 7 to 10 percent in some of the cities that I represent.

I also urge my colleagues to oppose these agreements because they will not promote a cleaner and healthier global environment. While the Chile and Singapore free trade agreements include environmental provisions, so they say, the language used in many cases is ambiguous and provides little assurance that the environmental promises of the agreements will be fulfilled. The agreements fail, in my opinion, to include a process that would allow citizens of the countries involved to even file complaints about possible environmental violations. Such a process, as you know, is even included in the NAFTA agreements.

Further, I am concerned that the ambiguous definition of environmental laws in the Chile free trade agreement leaves open the strong possibility that natural resources representing over 40 percent of Chile's exports will not be covered by the agreement's environmental rules. At a time when the Bush administration is negotiating trade agreements with countries in regions with abysmal labor and environmental records, we should not be approving trade agreements that fail to ensure protections for workers.

□ 2030

The administration has clearly stated that the Chile and Singapore free trade agreements will serve as a model for the Central American Free Trade Agreement known as CAFTA.

The weak workers' rights provisions in the Chile and Singapore agreements will be disastrous if applied to future trade agreements with countries and regions where abuse of workers' rights has been egregious. A vote for them would send a signal that the weak labor and environmental standards in them are not acceptable. Strong labor provisions must be included if workers are to become real partners in economic progress and help develop the expanded middle class.

This year brings the 10th anniversary of the NAFTA agreement. The result: Our combined trade deficit with Mexico and Canada has grown from $9 billion to $87 billion, and more than half

of the million U.S. workers have lost their jobs.

I urge my colleagues to vote down these two agreements.

AVOIDING ENTANGLING ALLIANCES AND INTERNAL AFFAIRS OF OTHER NATIONS

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, the truth about whether or not Saddam Hussein was trying to buy uranium from Niger has dominated the news for the past several weeks. Many of those challenging the administration on this issue are motivated more by politics than by policy. Some doing the challenging were strongly in favor of going to war against Iraq when it appeared politically popular to do so, but are now chagrined that the war is not going as smoothly as was hoped.

I am sure once the alleged attempt to buy uranium is thoroughly debunked, the other excuses for going to war will be examined with a great deal of scrutiny as well. It is obvious that the evidence used to justify going to war is now less than convincing.

The charge that Saddam Hussein had aluminum tubes used in manufacturing nuclear weapons was in error.

A fleet of unmanned aerial vehicles capable of dispensing chemical and biological weapons did not exist.

The 63,000 liters of anthrax and botulism have not been found, nor have any of the mobile germ labs. There are no signs of the 1 million pounds of sarin, mustard and VX gasses.

No evidence has been revealed to indicate Iraq was a threat to anyone's security, let alone ours.

The charge that Saddam Hussein was connected to the al Qaeda was wrong. Saddam Hussein's flaunting of the UN resolutions regarding weapons of mass destruction remains unproven.

How could so many errors have occurred? Some say it was ineptness while others claim outright deception and lies. There are some who say it was selective use of intelligence to promote a particular policy already decided upon. This debate, I am sure, will rage on for a long time, and since motivations are subjective and hard to prove, resolving the controversy will be difficult. However, this should not diminish the importance of sorting out the truth from the fiction, the errors from the malice.

One question, though, I hope gets asked is why should we use intelligence cited by a foreign government as a justification for going to war? One would think that with the billions we spend, we could fully rely on our own intelligence-gathering agencies.

Another point of interest, lacking a coherent foreign policy, we have support for war coming from different groups depending on circumstances unrelated to national defense. For instance, those who strenuously objected to Kosovo promoted war in Iraq. And those who objected to Iraq are now anxious to send troops to Liberia. For some, U.N. permission is important and necessary. For others, the U.N. is helpful as long as it endorses the war they want.

Only a few correctly look to the Constitution and to the Congress to sort out the pros and cons of each conflict and decide whether or not a declaration of war is warranted.

The sad fact is that we have lost our way. A threat to national security is no longer a litmus test for sending troops hither and yon, and the American people no longer require Congress to declare the wars we fight. Hopefully, some day that will be changed.

The raging debate over whether or not Saddam Hussein tried to buy uranium, as important as it is, distracts from the much more important strategic issue of what is the proper foreign policy in a republic.

Hopefully, we will soon seriously consider the policy of noninterventionism in the affairs of others. Avoiding entangling alliances and staying out of the internal affairs of other nations is a policy most conducive to peace and prosperity and one the Founders endorsed. Policing the world and nation building are not part of a constitutional republic.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. GRIJALVA) is recognized for 5 minutes.

(Mr. GRIJALVA addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Madam Speaker, I ask unanimous consent to take the special order time of the gentleman from Arizona.

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

There was no objection.

IN SUPPORT OF INDEPENDENT COMMISSION TO INVESTIGATE DISTORTION OF EVIDENCE OF IRAQ'S WMD PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, I first thank the gentleman from Texas (Mr. PAUL) for his intellectual honesty and consistency and his clear vision on so many foreign policy issues.

A hundred sixty-five years ago, Madam Speaker, the United States Congress, amazingly enough, the House of Representatives, passed a rule prohibiting its Members from debating the great issue of slavery, the greatest blemish on American history. In those days, John Quincy Adams, former President, then elected to the House of Representatives, came down to the well of the House week after week reading letters from his constituents, reading what he called petitions from groups in his State of Massachusetts, many of them written by women in women's clubs, women who actually could not in those days, as we all know, vote in American elections. He read these letters protesting this rule prohibiting the discussion of slavery and protesting the institution of slavery itself.

Today, we find ourselves in a Congress where this Congress has refused to discuss and investigate what exactly the President did and said about weapons of mass destruction. As the gentlewoman from Illinois (Ms. SCHAKOWSKY) said earlier in the evening, an organization called MoveOn.org, an organization of 1½ million Americans, tens of thousands in my State of Ohio, asked its members to sign an on-line petition saying that we believe Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program.

Tens of thousands of those members, in addition to signing the petitions, wrote letters to Members of Congress. And similar to John Quincy Adams's coming to the House floor to expose the Congress' inability and unwillingness to discuss issues of national import, many of us have come to the House floor every night to share the concerns, not just our concerns, Members of Congress, but to share the concerns of people in my district in my State. And I would like to share a handful of those letters.

Dennis Gadel of Akron, Ohio wrote: ''What makes this tragedy especially difficult for freedom-loving people to come to terms with is that, unlike September 11, this tragedy was self-inflicted. In order to have a strong democracy, we must hold leaders accountable for their deception.''

Ms. Barbara Hanselman from Wadsworth wrote: ''I consider it my patriotic duty to give my informed support to those who represent our people. When I cannot trust my government to speak the truth,'' Ms. Hanselman wrote, ''our very basic freedoms are eroded. To lead a country to war, when many U.S. citizens and millions of people around the world were against this act of aggression without clear evidence, by calculated misrepresentation of the facts, is so beneath what my country stands for.''

Jim Miraldi of Lorain, Ohio, my hometown, writes: ''Our leaders must respect democracy. If our leaders lie or mislead their own people to support military action to make an immense change in foreign policy, then this greatly undermines our country'' '' . . . Saddam Hussein was'' . . . ''evil,'' certainly. ''Maybe we should have gone

ahead with this invasion. But that decision should have been based on accurate reporting by our leaders and not by deceiving the American people.''

Patrick and Sandra Garrett, Mr. and Mrs. Garrett of Avon, Ohio, in northern Ohio, write: ''Democracy cannot endure without truth and integrity from its leadership. Look at what the Vietnam war, the Iran Contra scandal, and Watergate did to the public's confidence in government,'' the Garretts wrote from Avon.

Cheryl Elman from Akron, Ohio, wrote: ''You and a handful of others may truly be all that stand between public ignorance about possible manipulations of policy in the Iraqi war. An enlightened public is a prerequisite for functioning democracy.'' Please continue your commitment ''to free flow of information. Do what you can to shed light on this issue.''

Teri Egan from Shaker Heights, Ohio, writes: ''As the toll rises daily in Iraq with our troops in harm's way, we need to know if there is any credible reason for continuing in this manner.''

Wanda Crawford from Cincinnati, Ohio, in the other end of the State, writes: ''With American soldiers' lives at risk and American soldiers' lives lost already, the American public needs to know the true reason for our entry into war with Iraq. Covering up the truth dishonors the sacrifice of those in uniform. As a daughter and a sister of veterans,'' Ms. Crawford writes, ''I am appalled that soldiers may have been lied to about the reasons they were sent to Iraq. Please support an independent, bipartisan investigation to get to the truth of the administration's call to arms.''

Norma Roberts from Lexington, Ohio, writes: ''I was alarmed at recent reports that our government led us into war without honest justification. President Bush responds by saying that such reports are attempts to 'rewrite history,' but the point is that the American people do not know the real history. If this country is to be a model of democracy, the people must be informed.''

Madam Speaker, it goes on and on. We ask for this investigation. Literally hundreds of thousands of Americans have written to their Members of Congress asking for an investigation into the Bush administration's distortion of evidence of weapons of mass destruction.

MEETING FUTURE LABOR SHORTAGES WITH TEMPORARY FOREIGN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, for the past few weeks, I have come to the floor of the House of Representatives to address an issue that I believe has to be addressed with a comprehensive legislative solution. The issue is illegal migration and our current immigration policies.

Madam Speaker, this is certainly a very complex issue. Unfortunately, it involves a historical policy of turning a blind eye to the reality of the demand for workers for certain jobs in this country. Our migration policy has also not done a very good job of recognizing the way that people organize and lead their lives.

We must recognize that the U.S. economy and standard of living are better than that of Mexico. Mexicans migrate to the United States not simply because wages are higher, but because Americans are willing to hire them. The demand for these workers will not diminish for the foreseeable future. In a recent report published by Dan Griswold of the Cato Institute, we know that the Labor Department has reported that the largest growth in absolute numbers of jobs will be in those categories that require ''short-term on-the-job training'' of 1 month or less.

In fact, of the top 30 categories with the largest expected job growth between 2000 and 2010, more than half fall into that least-skilled category. These are all occupations where low-skilled immigrants can be expected to help meet the rising demand for workers. Across the U.S. economy the Labor Department estimates that the total number of jobs requiring only short-term training will increase from 51 million in 2000 to 61 million in 2010. That is a net increase of 7.7 million jobs. Meanwhile, the supply of American workers suitable for such work continues to fall because of an aging workforce and rising education levels.

The median age of U.S. workers continues to increase as baby boomers approach retirement age. From 1990 to 2010, the median age for the American worker is expected to rise from 37 years to 41 years. Further, younger and older American workers alike are now more educated. The share of adult native-born men without a high school diploma has plunged from 54 percent in 1960 to just 9 percent in 1998. During the same period, the share of workers with college degrees has gone up from 11 percent to 30 percent.

Certainly we recognize the fastest growing occupations in the next decade in percentage terms will require high degrees of skill and education. But as the economy continues to pick up steam, we have to recognize the realities of labor market demands. The demand for lower-skilled workers is growing while the American workforce is aging and increasingly well-educated.

Madam Speaker, I would argue that it is no coincidence that the number of low-skilled jobs in this country is expected to grow by more than 700,000 a year. That is precisely the number of new illegal immigrants that the Federal Government now estimates are entering the U.S. job market every year. If this is not an affirmation of this power of the market, and simple supply and demand, I do not know what is. We have to consider that for an illegal worker, the prospect of unemployment in the United States is far more expensive than a similar situation in his or her home country. If jobs are not available, the treacherous journey across the border is simply not worth the risk.

□ 2045

To conclude, permitting immigrants to enter the country as part of a temporary worker program will eliminate a huge segment of the illegal traffic coming across and within our borders. At the same time, such a strategy will recognize that our economy continues to expand, and, as such, the expansion will require new workers.

GETTING AMERICA BACK ON TRACK

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I would hope that government could learn from its mistakes, and, if there ever was a mistake, it was America's entry into the North America Free Trade Agreement.

The victims of that colossal disaster reside in all of our Congressional districts. They are the unemployed auto workers, the steelworkers, the truckers and the textile workers. They are families who are struggling just to get by. They remember better times. They remember life before America entered the ''race to the bottom,'' before their jobs moved overseas.

Let us consider where NAFTA has brought us. The U.S. trade deficit in 2002 was $500 billion, the highest deficit ever recorded, and the combined trade deficit with Canada and Mexico is now more than ten times what it was before NAFTA went into effect. Think of that; our combined trade deficit with Canada and Mexico is now ten times more than it was before NAFTA went into effect.

But, sadly, Madam Speaker, it seems that some either did not learn, or just simply do not care, because this Congress is now being presented with more free trade agreements, this time with Chile and Singapore, and they are just more of the same; more jobs lost, more hard times for Americans. It is deja vu all over again. I will be voting against both the Chile and the Singapore Free Trade Agreement Implementation Acts, because they mean nothing but hardship for American workers.

Oh, but now we are being told that these agreements may require Chile and Singapore to meet international standards on workers' rights. Oh, but, of course, they provide absolutely no enforcement mechanisms. Foreign labor costs and practices will continue to undercut those of America's workers in this global race to the bottom, which simply means more jobs lost right here at home.

What is worse, these two agreements appear to be just the beginning of the NAFTA legacy. Next we are told there is going to be a so-called Central America Free Trade Agreement, or CAFTA, that is currently being negotiated by the United States trade representatives. CAFTA has the potential to create a free trade zone in the Western Hemisphere that would flood our borders with cheap imports, and our only export, Madam Speaker, would be our good-paying jobs.

Madam Speaker, it is time we took a stand. It is time we put America's workers first.

Madam Speaker, I urge all of my colleagues to just simply look at the record. Our country has taken the wrong path. We cannot afford to go down this dangerous road any further. I urge my colleagues to oppose the Chile Free Trade Agreement Implementation Act and the Singapore Free Trade Agreement Implementation Act. It is time we got our country back on track.

Madam Speaker, I represent 12 counties that stretch along the eastern and southern portion of Ohio. In one of my counties, Mahoning county, the unemployment rate this very day is 11.4 percent. In the City of Youngstown, the unemployment rate is 18.2 percent. I have people who have worked in steel mills and are now jobless. We have steel mills that are under threat. The china and pottery industry along the Ohio River is under threat. The titanium industry is under threat.

Our country is under threat, and I would urge the President and this Congress, both Democrats and Republicans, to recognize reality, to turn from our foolish ways and to return to the attitude that I believe our forefathers had before us, who believed that our first obligation as representatives in this body is to put this country and our communities and our constituents first.

CELEBRATING THE 150TH ANNIVERSARY OF BOWDON, GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I did not rise to speak on this issue, but I just feel compelled to respond to some of my colleagues on the other side of the aisle who are not directly questioning the honesty and truthfulness of President George W. Bush, but yet are doing it secondarily through these so-called ''constituent letters.''

I want to remind them that it is inappropriate, indeed, out of order, for a Member of Congress to speak in this House from this well and to suggest that the President is lying, that the President is untruthful, that the President deceived the American public. Whether they are saying that directly or they are suggesting it through these so-called constituent letters, they are getting very, very close to crossing that line.

I want to remind my colleagues that this president was elected, for more than any other reason, because of his honesty and his integrity. The American people trust President Bush and applaud him for what he is doing, what he has done and what he will continue to do to bring peace to the Middle East.

Madam Speaker, actually I am rising today to celebrate the 105th anniversary of Bowdon, Georgia, a jewel of a city in the 11th Congressional District which I represent.

Bowdon has a proud history that dates back before the official founding of the city. In 1847, Carroll County troops from the Bowdon area, fighting under General Winfield Scott, defeated a large army under Santa Anna at Cerro Gordo, Mexico. The town of Bowdon was originally called Cerro Gordo to commemorate that victory. After Alabama Congressman Franklin Welch Bowdon assisted the town in securing a post office, the citizens honored him by renaming their town Bowdon in 1848.

Several years later, in 1853, about 30 local residents selected the present town site. Lots were sold to the highest bidder, with the most expensive lot going for $10.50. The city grew quickly, and by 1855 Bowdon had five stores, several shops, a primary school and a high school. At least one of those original houses in Bowdon still stands today.

It was not long before the people of this community chartered Bowdon College in 1856. The college was the fifth chartered in Georgia. The school was a trailblazer in the State, as it was first to educate both men and women. With few resources, but with the commitment of a devoted community, Bowdon College educated thousands of poor but ambitious students until 1936. After the Civil War, Bowdon College was one of five endowed by the State of Georgia to educate wounded and disabled veterans, in 1866 and 1867. The program educated more than 200 veterans.

In the early part of the 20th Century, Bowdon flourished with cotton and lumber sales. Soon there was a demand for rail service, and a rail line was completed in 1910. Governor Hoke Smith and Congressman William Charles Adamson, a native of Bowdon, attended the ceremony to celebrate the completion of the line.

Bowdon expanded its job-base during the Great Depression, when Bowdon College graduate Warren Palmer Sewell opened a clothing plant in 1932. Warren Sewell Clothing was one of the top ten manufacturers of clothing in the country when he died in 1973.

Today, Bowdon remains a proud city in Carroll County. Each August, Bowdon holds its annual Founders Day celebration. This year, the city's 105th anniversary, the celebration will be particularly special.

INVESTIGATING REASONS FOR WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I know that this journey that we have taken since the beginning of the year involving the war against Iraq in many instances confuses the American public.

I certainly applaud the American public's willingness to wholeheartedly support the men and women in the United States military. America has always joined together around its brave, strong and diligent men and women of the United States military when they have been put in harm's way and when they are in harm's way because of the principles or the direction of Members of this government.

So this discussion this evening is to separate out the respect and appreciation for their bravery. It is an attempt to calmly state that this Congress needs to do its responsible duty in terms of determining the basis upon which this war was declared and the intelligence that was gathered and the reasons given for going to war against Iraq.

If you read the beginning pages of our Constitution, the Founding Fathers, all of whom had some history in fleeing a despotic government, determined that this would be a perfect Nation, a Nation grounded in democratic principles, a transparent Nation. In the opening lines of the Constitution, it said we are organized to create a more perfect union. They believed that. They believed in transparency and they believed in the honesty of government and the integrity of government.

I believe that this Congress has a responsibility to openly discuss the intelligence gathering that led to the representation that the United States of America was about to be under imminent attack by Saddam Hussein and his troops and that we were in immediate danger.

Many of my colleagues came to the floor of the House during that vigorous debate in the fall of 2002 with great pain, believing that they had to cast a vote for the resolution that was on the floor that allowed the President to go to the United Nations, but if, if, the United Nations did not move, then the President interpreted the resolution to be able to move unilaterally, unilaterally, against Iraq.

In spite of the fact that many of us argued vigorously that an outright declaration of war was required under the Constitution, Article I, Section 8, a vote of this body, members of the majority disagreed with that, and they fought against what I think is the right thinking and forward thinking view of 133 Members of both Houses, who said we must have a constitutional vote on a declaration of war.

Madam Speaker, we had not gone to war, if you will, by the time of the 2003

State of the Union presentation made by this President. What had occurred was a lot of debate, a lot of involvement in the United Nations, but we had not gone at that time into Iraq.

It was a statement in the State of the Union, I believe, that framed for the American public the urgency of going. The words ''recently purchased uranium from a Nation in Africa'' caused the focal point to be on the fact that Saddam Hussein might have nuclear weapons that could be poised, if you will, directly at the United States of America.

That is why it is so extremely important that we have an independent commission, which I call for, and subsequently a special prosecutor, if necessary. That is why I have offered an amendment to the foreign operations appropriations bill to ensure that there be no funds blocking the creation of an independent commission, meaning no funds be used to block the creation of an independent commission.

□ 2100

I hope that this amendment will be debated fully on the floor of the House on the basis of truth, not on the basis of partisanship. I have included as well in that amendment, or in amendments that I will offer, the idea of promoting women to be engaged more so in the peace processes. Whether it is in the Mideast or whether it is in discussions dealing with Liberia, women have been effective proponents and/or crafters of peace in international agreements, and I hope that can be the case.

Madam Speaker, I think it is important to note that Americans are equally concerned about a bipartisan, nonpartisan independent commission that openly presents the facts in a public setting. I appreciate the fact that the Permanent Select Committee on Intelligence is now reviewing this issue, but the Permanent Select Committee on Intelligence, behind closed doors, does not represent the people's House. It does not represent the people of America being able to understand the trail of information that would cause statements to be made about the status of a purchase of uranium or the intelligence that would suggest to this Nation that we had to go in right at that moment unilaterally and not multilaterally.

Just a brief statement: ''I am looking to you and other Members of Congress to look beyond partisan politics and make the courageous choice to discover the truth about what the administration did and did not know about Iraqi weapons of mass destruction before sending our armed forces to Iraq.'' Lora Munsell, Jackson, Ohio.

Clearly this Congress must speak and must act. I would simply ask we allow an independent commission to go forward.

WEAPONS OF MASS DESTRUCTION IN IRAQ

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, I have been here for a while and listened to the remarks such as those just given by my colleagues from the great State of Texas, but quite honestly I cannot understand how it is possible to criticize the President for the action that he took in Operation Iraqi Freedom and at the same time ask the President to go forward in an action in Liberia.

That being said, I think it is incumbent upon us on the Republican side of this House to point out that after the terrorist attacks of September 11, 2001, it had become apparent that the United States needed, the United States was required to be more vigilant about terrorism and weapons proliferation and pay particular attention to the prospect of weapons of mass destruction falling into the hands of groups or states that would use them against American interests, American interests either here at home or abroad. And unfortunately, over the prior 10 years we have seen that with attacks in Saudi Arabia, the Khobar Towers, the bombing of the Cole and, of course, the attacks here on September 11.

The Bush administration, the Clinton administration, indeed, 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 Saddam Hussein, different from any other leader, had proven himself capable of using these weapons for offensive purposes and not merely in a defensive posture.

Where those weapons are today falls into one of several categories. They may still be hidden. Saddam Hussein had become a master of concealment. Please remember that in 1995 the United Nations was preparing to lift sanctions believing that Iraq had disarmed. It was only the defection of Saddam's son-in-law, Hussein Jamal and the revelation that significant weapons were presented that halted the United Nations from lifting the sanctions in 1995.

Perhaps Hussein did destroy the weapons after the inspectors left in 1998. It seems preposterous on its face, but while this was unlikely given his other behavior, the burden of proof was clearly still on Saddam Hussein, not the United States, not President Bush and not the United Nations to demonstrate the destruction of the weapons had indeed occurred.

There is also the possibility that the weapons had degraded over time or were destroyed in the bombing or looted during the first combat phase in Iraqi Freedom. It does not really matter. The disorder and political uncertainty we are witnessing in post-war Iraq, while at one level unsettling, are to some extent a reflection of how completely Saddam Hussein's Baathist regime dominated and dictated Iraqi life.

There are efforts in the Congress to employ a full investigation into these difficult issues to understand whether any mistakes were made and to take action to fix them in fulfillment of Congress's 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 weapons of mass destruction issue.

I believe that 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 dissenting views on the Iraqi threat within the intelligence community.

People who have lived in a police state with no freedom of speech are unlikely to volunteer information until stability and security are achieved in Iraq. We must remember 30 years of living under a dictatorship cannot be reversed overnight.

But the most important point is this: A free Iraq makes American and its allies safer by removing a destabilizing force in the region, removing a regime that pursued weapons of mass destruction, eliminating a state sponsor of terrorism and, ultimately, by serving as a living example to the people of the Middle East of the benefits of freedom and democracy.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ASSURED FUNDING FOR VETERANS HEALTH CARE ACT OF 2003

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. EVANS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. EVANS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

Mr. EVANS. Madam Speaker, it is no secret to anyone in this body, nor to

the Nation's 25 million American veterans and their families, that the health care system is critically underfunded.

The result is that tens of thousands of veterans are being forced to work and one group of veterans is being denied access to VA care altogether. The current funding process for veterans' health care is broken. It simply does not work and, frankly, it never has.

The problem starts out at OMB where they consistently pare down the Department of Veterans Affair's budget requests to accommodate the other priorities of the White House. It moves on to this Capitol where Congress must squeeze the veterans' programs into funding for a myriad of other priorities of ill-advised tax cuts to the Space Station. It ends with veterans waiting in lines, sick and disabled and living with the year-to-year anxiety that comes from wondering if the VA will be there when they ask for help.

In short, Madam Speaker, veterans, the individuals who defended this country in time of war and kept us a free Nation, are forced by a cruel funding process to continue fighting for what is rightfully theirs.

I and 117 of my colleagues so far, some of whom join me today, believe enough is enough. There is no feasible alternative to permanently fix this problem. Only one. And that is mandatory funding of the VA spending, just like Medicare, just like the Department of Defense, TRICARE and just like the Federal Employees Health Benefits Program, the veterans deserve some consideration as the beneficiaries of their plans.

The Nation's veterans organizations strongly agree. The American Legion, AMVETS, Blinded Veterans Association, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars, Vietnam Veterans of America and others, including organizations that represent nearly 6 million members, are speaking up across the Nation. They too are saying enough is enough.

That is why I have introduced H.R. 2318, the Assured Funding for the Veterans Health Care Act of 2003. The bill would require the Secretary of Treasury annually to come before Congress to provide funding for the VA's care, based on the number of enrollees in the system and medical inflation.

What could be more appropriate than providing funding for veterans' health care, based on the number who will need it, the demand and the projected cost. Let us be absolutely clear. These projections and the subsequent funding of them should be based on care for all eligible veterans.

Madam Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Madam Speaker, I want to thank my friend and the ranking Democrat on the House Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS). I want to thank the gentleman for being such an advocate for veterans, but I also want to thank him for introducing this legislation, the Assured Funding for the Veterans Health Care Act of 2003.

What we are talking about here is simply having mandatory funding for veterans programs so that the vets do not have to come to the Congress year after year after year with hat in hands and ask for what they need. But if this bill that the gentleman has introduced passes, and by the way, I think it has 117 cosponsors at the present time, if it were to pass, there would be a mandatory stream of funding. Veterans would be able to have assurance that what they needed in terms of benefits and health care would be there for them.

I would like to take a minute, if I can, just to put this debate about mandatory funding in context and talk about what is at stake here. We need to put mandatory funding in this budget because right now funding for veterans' benefits is inadequate.

This is what we have seen happen in recent months: There are hundreds of thousands of veterans who are waiting 6 months or more just to get an appointment to see a doctor. Think about that. Would any Member of this House of Representatives tolerate having to be put on a waiting list and to wait 6 months or longer to see a doctor? I think we would not. And I think it is a fair question to ask. Why should those of us who serve in this body have access to health care in a more timely manner than that which is made available to our veterans?

Another problem, veterans about a year and a half ago, had to pay $2 for each prescription they received. The VA increased that copayment from $2 to $7 a prescription. And now the President has requested that that copayment be increased from $7 a prescription up to $15 a prescription.

And one of the most outrageous things that has happened, the VA actually placed a gag order on their health care providers. The VA sent out a memo to all of their network health providers saying, you can no longer market VA services to veterans. In other words, you cannot proactively tell veterans what they are entitled to receive. Think about that. I mean, it is almost unbelievable that the Department that is supposed to be looking out for veterans, protecting veterans, servicing veterans, would actually put out a memo telling their doctors and nurses and social workers that they could not participate in health fairs, that they have could not send out newsletters telling veterans what they are entitled to receive under the laws that have been passed right here in this Chamber, that they could not make public service announcements urging veterans to come in for services. And that gag order is in effect tonight, and it is shameful. And it is in effect because we do not have sufficient funding to pay all the costs of veterans' benefits and veterans' health care.

Then something else that more and more veterans across this country are just becoming aware of, the VA created a new classification for veterans. They have call it Priority 8. And they say those who are in Priority 8 are of higher income. Now, quite frankly, one can make as little in my district as about $24,000 a year and be considered higher income. And so these are called Priority 8 veterans, and they are being told that they can not enroll in the VA health care system at all. Think about that.

These are men and women who have served our country admirably. They have been honorably discharged. Many of them are in great economic and financial need. And because they make about $24-, $25,000 a year, the VA is saying you are high income and so you do not qualify to participate in the VA system.

□ 2115

Does my colleague not think it is fair that the people in this country know that he and I earn about $150,000 a year? I think that is high income. I do not think $24,000 is high income. I think this is really shameful what the VA has done here.

Right now, the House Committee on Appropriations has been considering the fiscal year 2004 appropriations for the Department of Veterans Affairs, and it does not look good. Despite assurances from the leadership here in the House, in fact, they have held press conferences saying, oh, we are going to treat the veterans in the right way, despite those assurances, Republicans have abandoned their promises; and they are going to increase the cost of prescription drugs for a veteran.

The President asked for this in his budget. At a time when we were getting ready to send our young men and women into harm's way, the President sent a budget to this House, and he asked that veterans be required to pay more money for a prescription drug. In fact, he wanted that copayment to be doubled, more than doubled, from $7 to $15 a prescription; and he also asked that this Congress impose an annual enrollment fee on priority 7 and 8 veterans, an enrollment fee of $250 a year. Then the President asked that the cost of going to see a doctor at a clinic be increased from $15 a visit to $20 a visit, and this House is going along with that request.

Oh, but we were told, do not worry, because we have actually increased funding for veterans health care next year; and we were told it was going to be $3.4 billion, but it looks as if the Congress is reneging on that promise as well, and the increase has been cut about in half, down to $1.4 billion.

These are shameful acts in my judgment, and I want to tell my colleagues that all of the veterans organizations in this country, and I am talking about the American Legion, the VFW, the AMVETS, the Disabled American Veterans, Vietnam Vets, they are pretty

upset about this. I have a letter which they sent out last Friday, and it is from the National AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America and the Veterans of Foreign Wars; and they say here: ''The VA-HUD Independent Agencies appropriations bill, which calls for a $1.4 billion increase over last year and approximately the President's request,'' basically this House is doing what the President has requested. These groups say that is wholly inadequate. It is inadequate to provide health care to sick and disabled veterans, and it represents a flagrant disregard of promises made to veterans by this Congress.

''So much for promises,'' they say in their letter. So much for promises. Providing a wholly inadequate $1.4 billion increase calls into question all the press conferences and the news releases touting this Congress' commitment to the men and women who have served this Nation.

So what we are asking for in the gentleman from Illinois' (Mr. EVANS) bill is that we make this funding mandatory. Just as other parts of our Federal Government call for mandatory spending, we want veterans to have the assurance that comes with mandatory funding.

These veterans service organizations that I mentioned tell me that this is their number one legislative priority. There are lots of things that veterans need; but nothing is more important to them than having mandatory funding, so that year after year we can know how much money our hospitals are going to get, our outpatient clinics, how much money is going to be there to take care of our aging population of veterans.

I would just close my remarks by reminding my colleagues and others once again that what this Congress is doing represents a following of the directions that came to us from President Bush. He sent his budget over here in January. As my colleague will recall, January was a time when we were preparing for war. Talk is cheap. The gentleman from Illinois (Mr. Evans) knows that.

But health care costs a lot of money, and it does cost a lot of money to provide needed health care to our veterans; but these are men and women who have paid the price. They have served our country. They have taken the oath. They have served honorably and admirably; and as they chose to do that, to provide the service to their country, promises were made to them, and our country has an obligation to keep those promises; and the best way to keep those promises, I think, is to pass my colleague's legislation, the legislation that he has entitled appropriately Assured Funding for Veterans Health Care Act of 2003.

Every Member of this House should sign on as cosponsors. We have, I think, 117 cosponsors now, thanks to the gentleman's leadership. We ought to have every Member, Democrat and Republican alike, in this House sign on to this act. It is H.R. 2318, and I repeat that just in case there may be some veterans who are listening and who would like to communicate with their Senator and their House Member, H.R. 2318. It is called the Assured Funding for Veterans Health Care Act of 2003.

Madam Speaker, I would hope that veterans across this country would recognize the importance of this legislation and would let their representatives know how important it is to them, and perhaps they will just decide to urge them to sign on as cosponsors.

I thank the gentleman from Illinois (Mr. EVANS) for his leadership. I admire him greatly. I was elected to this body for the first time, took office in January of 1993. He and I were both younger men then; but I admired him then for the dedication he had to serve our veterans, and across the years my admiration for him has only grown, and I thank him for introducing this vital legislation. I pledge to him that I will do everything in my power to see that we get as many cosponsors as possible, that we urge the leadership of this House to allow this legislation to move forward; and I thank him for allowing me to participate with him tonight.

Mr. EVANS. Madam Speaker, I appreciate the remarks, and at this time I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for his yielding, and I thank him for his leadership. It is an honor to work with the gentleman from Illinois (Mr. EVANS) as he has worked for the issues of veterans not only because he is a passionate legislator and a member of this body, an honored and esteemed member of this body, but because he also is a Vietnam-era veteran and clearly knows the sensitivity of these issues and the great need in these issues.

Madam Speaker, I represent a veterans hospital and many veterans in the State of Texas in the 18th Congressional District. We are honored to have as one of our very fine medical institutions the veterans hospital, and it is particularly of great importance to my constituents and my community because during Tropical Storm Allison in 2001, when the medical center found itself flooded in and many of its patients were in need of transfer and need of additional assistance or many of its equipment was not working, who rose to the occasion? It was the veterans hospital, and of course, those who were committed to serving veterans, who had the mindset, the charitable mindset, they had the great knowledge and as well the caring attitude to open their doors and as well to take many of the staff, they were also veterans themselves, to be able to assist by providing beds for the patients who needed it. They rose to the occasion.

Tonight I think it is important that we are on this floor to rise to the occasion on their behalf. I support totally H.R. 2318 concerning mandatory funding for veterans health care and am proud to be a proud sponsor of this legislation, would encourage the Members of the House and the other body, who have not yet found their way to this legislation. I expect that it will be dropped by one of or our very fine Senators in the other body, of course, and hope that we will be able to move this legislation quickly through the Committee on Veterans' Affairs and as well bring it to the floor.

We know that the gentleman from Illinois (Mr. EVANS) and the gentleman from New Jersey (Mr. SMITH) work well together. I would hope that this would be the kind of legislation that has no problems, should have no obstacles. It should move. I think I would be optimistic, I would want it to be in the committee tomorrow or at the end of the week so that as soon as we get back here in September we could quickly move this legislation forward.

Let me tell my colleagues why, because there are many things that are happening to our veterans, and we are getting more veterans as we speak because, as my colleague well knows, we had a quarter of a million troops stationed in Iraq. Now we have 140,000. Clearly there is discussion as to whether or not we need more; but many of those troops are going to be veterans soon, and right now as we speak, even though they may not be retirees, we have several problems that are occurring.

We have problems with respect to veterans not being able to enroll in hospitals right now. We have problems about the concurrent receipt issue where veterans have to choose between disability pay and retirement pay, dollar for dollar. What an insult to our veterans, and there is H.R. 303 in which we are trying to correct that problem.

The work that the gentleman from Illinois (Mr. EVANS) is doing is crucial as relates to health care. So I rise today in support of H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003. This legislation is key to addressing shortfalls in the fiscal year 2003 budget appropriations for veterans health that could prove injurious to our veterans. We have a duty to protect our veterans from misunderstanding as to the new veterans administration medical care budget proposed by the Bush administration.

About 25 million veterans, living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. However, time is of the essence. There are only a few thousand World War I veterans left and World War II veterans left. These World War I veterans are all more than 100 years old. The average age of our World War II veterans is more than 77, and we are losing 1,500 of them a day. We need to preserve not only their tribute to us by fighting in World War II

and World War I, but certainly if they are in need of health care, obviously we know that they would be, that we certainly would not want to say no to those few remaining veterans of that era and then the veterans that are now coming from the Korean War and all of the conflicts that we have had through not only the Vietnam War but the Persian Gulf and now Iraq.

Republican tax cuts and the shortfalls to the veterans health plan will have a negative impact on the veteran community and the veterans health care service facility of Texas and of the Nation. In the State of Texas, there are approximately 1.721 million veterans. I believe my State has one of the highest numbers or the highest numbers. Certainly in my congressional district there are a large number of veterans with whom I work on a regular basis.

Currently, 3,400 veterans are on the waiting list; and due to the war in Iraq, we will have new veterans in need of services as relates to health care. The Veterans Administration Medical Center in the 18th Congressional District has seen an 18 percent increase in its need for its services this year already. There must be additional funding to meet that need.

I am adamantly opposed to any effort that would reduce accessibility or the extent of health care to our veterans. The Republican budget cuts also include cutting health care and education needs for our veterans.

It is really, I believe, a questionable practice to suggest that a veteran making $30,000 a year should have to be questioned regarding accessing the veterans hospital services. It just does not make sense, and the budget that we put forward would slash services to veterans who make $30,000 a year or more. Can my colleagues imagine, $30,000 a veteran, may have a family, needy in health care, people making $30,000 a year, may not have health insurance because of the cost and the amount it takes to raise their families.

□ 2130

If this present structure is in place now without this legislation, without the full funding that our ranking member, the gentleman from Illinois (Mr. EVANS), has put forward in this very, very important bill, then what we have are hundreds upon hundreds of thousands of veterans, maybe even millions, who are not able to access health care at the veterans hospitals, and this is what we promised them when they went into the United States military, in a volunteer military.

As it speaks right now, it says we will provide the kind of resources that are necessary for them. And yet here we are in 2003 denying them the right to have the resources that would allow the veterans hospitals to provide care if they make over 30,000 a year.

I am astonished and I am also appalled at the taking away of promises that we made to individuals who are willing to offer the ultimate sacrifice, and that is their life.

Someone said to me that we do not have conscription, we do not have a draft anymore. That occurred in the Vietnam War. Now we have a volunteer military. That means that most of those who are in today got up out of their hometown and went to the office where the military was, whether Army, Navy, Coast Guard, or any of the others, and signed up to be able to defend their country and to follow the orders of the Commander in Chief or if this Congress would declare war.

They are in a war now that there was no declaration of, but they are there fighting. They are there loyal to the United States. They have taken an oath and they are sacrificing both their life and limbs on behalf of the people of the United States of America. Those very young men and women will ultimately become veterans. God hope they will come home to their loved ones.

How dare we cut a budget and suggest that if they make $30,000 a year, they cannot get health care?

But, really, in my district, I see individuals that are not in that category, who cannot access health care because they are making moneys of $31,000, $32,000 and $33,000 a year. Some of these individuals are in desperate need. And I might add, even though we are talking about full funding, some of the very people that are penalized overall with the budget structure and the veteran structure in the hospital are my homeless veterans, homeless veterans who because of the trials and tribulations of war, yes, they came back to us, but even though they came back to us they came back broken in mind and spirit. So, today, we find thousands upon thousands of homeless veterans who also cannot get resources because of the cuts in the veterans budget that impacts on the veterans hospitals and thereby impacts on veterans' health care.

So this bill by the gentleman from Illinois (Mr. EVANS) for full funding makes a lot of common sense. In fact, it upholds the tradition of this Nation that we care and love and nurture those veterans who care about us; we care and love those individuals who are willing to sign up on the bottom line, take the oath, and say I, swear loyalty to the United States of America and so I am going into the United States military; and if I am called to a place that would jeopardize my life, I am willing to give the ultimate sacrifice.

Yet we here in the United States are failing to provide the kind of regulations that would ensure that they could enroll, here we are de-enrolling and not allowing veterans to get the kind of health care that they need to take care of themselves.

This legislation being put forward, with 117 sponsors, assures funding for veterans' health care. It ensures that there are no signs at veterans hospitals that say ''No room at the inn.'' Can we do less than to provide the opportunity for veterans to have full funding?

Let me close by simply acknowledging that my good friends will say that they have given an increase in funding for health care, and yet I think it should be acknowledged that that funding is $400 million short of meeting veterans' needs. It is $400 million short of meeting veterans' needs. That is why we have in place a policy that requires veterans to be denied coverage or denied coverage of health care at these hospitals if they make over $30,000 a year. I understand there is also a proposal to impose a new $1,500 annual copayment on higher income nonservice connected veterans who receive medical care from the VA.

But let me just reinforce the fact these veterans have served their Nation and their country. These veterans may have health problems now, like diabetes and stroke and heart condition, they may have Alzheimer's, and there is always this fine line of whether or not this was service connected. We do not know if it is service connected. We took 20 years to find out about Agent Orange from Vietnam. We are still trying to find out about the Persian Gulf illness, and there have been denials upon denials about whether it was related or connected. All of that occurred.

If we are still trying to find out about Agent Orange, if we are still trying to find out about the Persian Gulf, how do we know whether diabetes, stroke and heart disease may not have been service connected. So, therefore, we are denying these veterans the kinds of services they need.

Let me also cite, Madam Speaker, that in a January, 2003, letter the Disabled American Veterans, the Veterans of Foreign Wars of the U.S., Paralyzed Veterans of America, and AMVETS called on President Bush to propose a veterans medical care appropriation of $25.4 billion. However, the administration has not heeded this budget advice from these veterans organizations.

We have paralyzed veterans who are paralyzed from the neck down. These are individuals who need a high degree of health care. Many of them are my constituents. And let me give a special tribute to the Disabled Veterans of America and, as well, the U.S. Paralyzed Veterans of America who come into my office every single year. And every single year I make a commitment to them that we have got to do better by them.

This legislation, I believe, is the kind of legislation that clearly speaks to the needs of veterans. It is sensitive and sympathetic. And I do want to thank the gentleman from Illinois (Mr. EVANS) for his wisdom in helping to provide for those veterans who cannot provide or speak for themselves.

And may I remind my colleagues that as we discuss these veterans, the toll of those dying in Iraq is going up, one by one by one. And those who will come back will have been subjected to the trauma of war for a long period of time. Some will reenlist but some will

become veterans. I would be appalled if they went to one of our veterans hospitals and they said, ''There is no room at the inn.''

How can we be a Nation who believes in the equality of all, how can we be a Nation that adheres to the Constitution that says we have organized this Nation to create a more perfect union, and not support in totality H.R. 2318? I rise to support this effort, and would hope that someone is listening and that the leadership of this House will come to the gentleman from Illinois immediately and ask that this bill be brought to the floor of the House, and that we will provide for the veterans who have provided for us.

I thank the gentleman for his service and thank him for giving me the opportunity to share with my colleagues the importance of passage of H.R. 2318.

Madam Speaker, I rise today in support of H.R. 2318, the Assured Funding for Veterans Health Care Act of 2003. This legislation is before us to address shortfalls in the FY 2003 budget appropriations for veterans health care that could prove quite injurious. We have a duty to protect our veterans from misunderstanding as to the new Veterans Administration (VA) medical care budget proposed by the Bush administration. Of our 25 million living veterans, nearly 19 million have served during times of war. There are 19 million stories to tell and 19 million histories to preserve. However, time is of the essence. There are only a few thousand World War I veterans left and they are all more than 100 years old. The average age of our World War II veterans is more than 77 and we are losing 1,500 of them a day. We need to preserve their great legacy now.

Republican tax cuts and the shortfalls to the veterans' health plan will have a negative impact on the veteran community and the veteran-service healthcare facilities of Texas. In the State of Texas, there are approximately 1.721 million veterans. Currently, 3,400 veterans are on the waiting list and due to the war in Iraq we will have new veterans in need of services. The Veterans' Administration Medical Center in the 18th Congressional District of Texas has seen an 18 percent increase in its need for its services this year already. There must be additional funding to meet that need. I am adamantly opposed to any efforts that would reduce the accessibility or the extent of health care to our veterans. The House Republican budget cuts veterans' benefits, including health care and education, by $14.6 billion. The Republican budget cuts veterans programs in order to finance additional tax cuts that we cannot afford. To pay for those tax cuts, we will be leaving thousands of veterans who were disabled during their brave service to this country without the medical services they require—which is an atrocity and a national embarrassment. At a time when our economy is suffering, the Republican Party wants to take from the poor and disabled to give to the rich. The Republican budget would slash services to veterans who make $30,000 a year or more. If there budget stands without prophylactic measures like H.R. 2318, a large economic burden would befall thousands of veterans who will then be forced to bear their medical expenses on their limited incomes. We must renew our commitment to our Nation's veterans who have already given to us.

The Bush administration claimed that the proposed veterans budget requests a record-setting ''$25.5 billion for medical programs.'' Unfortunately, in reality, the administration really asks Congress to appropriate $22.75 billion for veterans' medical care, which is $2.75 billion less than the reported record-setting reported total. Of the $25.5 billion the Bush administration claims the budget will provide for veterans' medical care, $794 million will only shift administrative costs to the VA from the Office of Personnel Management (OPM). In Congressional District 18, Harris County alone in for 1998, total Veterans Administration patient care costs rose to $240,868,665 and $1,071,793,244 for of all of Texas. An extrapolation of this figure with inflationary factors gives but a glimpse of the national shortfall for our veterans. Another $1.28 billion of the administration's request is intended to offset unavoidable cost increases like inflation, higher pharmaceutical prices, and federal pay raises. In sum, the supposed $2 billion ''increase'' won't give our veterans any health care relief as promised.

The proposed increase in the medical care appropriation for fiscal year 2003 is approximately $100 million more than the $1.3 billion Congress appropriated for fiscal year 2002 which the administration acknowledges is $400 million short of meeting veterans' needs. This paints a dismal picture in light of the fact that five of the VA's 22 networks have already projected shortfalls in funding for veterans' medical care by the year's end. The administration already plans to request a $142 million supplement for funding to continue to treat non-service connected, higher income veterans. It plans to find another $300 million in ''management efficiencies.'' As also proposed by the administration, the FY 2003 VA medical care budget will require the VA to find an additional $316 million in management savings in order to meet veterans' demand for health care. This prospect promises to cause funds to be taken away from another weakly budgeted project to cover the gaping holes created by this scheme.

The administration budget also assumes Congress will pass a Bush proposal to impose a new $1,500 annual co-payment on higher income, non-service connected veterans who receive medical care from the VA. If Congress were to reject this proposal, the VA would require an additional $1.15 billion in appropriations to cover the cost of providing this care. More than $400 million of the reported budget increase for veterans' medical care is projected to come from increased collections by the VA, particularly veterans' co-payments. With the recent increase from $2 to $7 in the amount veterans are charged by the VA for a prescription, much of this ''increase'' in funding for medical care is being paid by veterans themselves. This is outrageous. The Bush administration veterans' medical care appropriation falls short of the request made to President Bush by veterans' organizations by nearly $2 billion. In a January 2003 letter, the Disabled American Veterans, the Veterans of Foreign Wars of the U.S., Paralyzed Veterans of America and AMVETS, called on President Bush to propose a veterans' medical care appropriation of $24.5 billion. However, the administration has not heeded this budget advice from our veterans' organizations.

The administration's budget emphasizes the need to reduce the huge backlog in claims for benefits submitted by veterans. During the first 4 months of fiscal year 2002, the number of rating cases awaiting a decision for over 180 days increased from 172,294 to 204,006. Our veterans are waiting for the VA to reduce claims processing time without sacrificing decision-making quality or the shirking of the VA's statutory duty to assist veterans in developing their claims.

The current administration's budget needs re-examination of its misguided priorities that will cause us to provide inadequate funding for health care for the men and women who have served our Nation in uniform in order to allow tax cuts that will primarily benefit wealthier Americans.

Unfortunately, too often the President is simply unwilling to work with Congress to develop a fair budget. This means veterans' programs consistently fall prey to political considerations that have little to do with veterans. This year, funding lost to the tax cut will have a direct effect upon the amount of funds that remain available for discretionary priorities, like veterans' health care. H.R. 2318 will provide a veritable bandage for the scar that the administration's budget will create on the brow of our Nation's heroes.

Absent protective legislation to provide mandatory funding and the concurrent passage of the Republican's budget would mean there would be no additional funds available to implement the Homeless Veterans Comprehensive Assistance Act to work toward the goal of eliminating chronic homelessness in a decade. Furthermore, the Capital Assets Realignment for Enhanced Services (CARES) program, a comprehensive planning and evaluation process undertaken by the VA to assess the best use of its physical infrastructure would become a ''de facto'' closure commission with no ability to respond to veterans' needs for primary care, long-term care, and mental health projected by its own models. There would be little money leftover for any of the system's desperately needed construction and improvement projects.

Even more horrifying than the simple health care system problems, the scheduled cuts for veterans' benefits would carry far-reaching negative implications. The administration's budget for 2004 makes no provision for additional service-connected disability benefits resulting from the present war with Iraq. As we know from the last war in the Persian Gulf, war results in adverse health effects and justifiable claims for service-connected disability compensation. It does acknowledge the expected increase in veteran's claims and an expected worsening of the disabilities of some service-connected veterans. Under these circumstances, cuts in mandatory spending can only be made by cutting benefits to veterans with service-connected disabilities. With a death toll of 152 U.S. troops since the start of the Iraqi War that is rising on a daily basis, it is incumbent upon our government to plan ahead for expenses that will stem from these deaths—as a courtesy to our fallen heroes at the very least.

Madam Speaker, I urge my colleagues to support H.R. 2318 and the mandatory funding called for to bandage the wound to be caused by the administration's misguided budget proposal.

Mr. FILNER. Madam Speaker and colleagues, I rise today in support of guaranteed funding for veterans' health care as found in H.R. 2318.

This bill replaces the current ''discretionary'' funding process with a reliable, predictable, and rational way to assure that the funding that is needed for our veterans will be there! Guaranteed funding takes into account inflation and increased enrollment for VA health care and provides the money to meet these needs.

Currently, the Members of the Veterans' Affairs Committee and many of our other colleagues must join together with organizations like the Disabled American Veterans, the Paralyzed Veterans of America, the Veterans of Foreign Wars, AMVETS, the American Legion and others to fight for a budget to provide health care for veterans—a budget that is worthy of our veterans. And we must do this every year!

And unfortunately, every year we fall far short of our goal. Veterans' health care needs are pitted against many other priorities of Congress and the administration, and we end up with less money than we need. The result, as many of you know, is disastrous. Right now, an entire group of veterans is being denied access to the VA health care system. And over 200,000 other veterans are waiting for a first appointment or an initial follow-up for health care, many waiting for more than 6 months.

This year, the House passed a budget resolution that cut $25 billion from veterans' benefits. Twenty-five billion dollars! Although the final budget resolution is better, it is unclear how veteran's health care will fare when pitted against all the other programs in the VA-HUD-Independent Agencies Appropriations bill—programs like low-income housing, the space program, environmental protections, urban development, and inner-city projects. These are worthy, but we should not have to limit services to veterans in order to fund them. That is why this legislation is so vital.

Other federal health care programs like Medicare, the Defense Department's Tricare for Life, and the Federal Employees Health Benefits Program are being provided with guaranteed funding. Why not our Nation's veterans?

Not only is the current ''discretionary'' funding unfair to veterans of past wars, but the lack of guaranteed funding sends an alarming message to current and future members of the Armed Forces. Recruitment and retention of service members is vital to the security of our country.

This bill responds to the recommendations of the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans. This task force recently testified before the House Veterans' Affairs Committee to the ''growing mismatch between funding and demand in VA health care''.

H.R. 2318 will address this mismatch, and will help the VA to keep pace with increasing medical costs and an increasing patient population.

Mr. EVANS. Madam Speaker, I thank the gentlewoman for her charitable remarks. I appreciate working with her and will be engaged with her in fighting these cuts that have been announced by the administration and look forward to working with her in this regard.

SOCIAL SECURITY

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Madam Speaker, I am going to present sort of a tutorial on Social Security, and if my audience listens up, if they can stick with me for the next 25 or 30 minutes, they might know as much about Social Security as a lot of individuals in Washington, which is probably one of our most successful programs, but probably one of the programs that is most at risk as we continue to overspend, as we continue to have government take the surplus coming in from the Social Security taxes and spend them on other programs.

Social Security is the largest Federal expenditure. As we view this chart, we can see Social Security is now spending 22 percent of the total Federal budget, 22 percent. This is more than defense, more than all of the discretionary programs of the 13 appropriation bills that we are agonizing over, more than all of the other entitlements put together, more than Medicare and Medicaid combined. Social Security is spending $475 billion this year in 2003.

The risk to Social Security is that we are faced in the demographics of having the baby boomers retire. So 76 million baby boomers are going to start retiring in 2010, and that means they stop paying into the Social Security tax and they start taking out at the highest rate.

Now, the next chart represents the predicament. As we see, the overall gross Federal debt between now and 2013 continues to increase to approximately $10 trillion in the next 10 years. Where the debt held by the public eventually, starting 10 years from now, diminishes a little bit, the overall debt is continuing to increase. And that is because government is borrowing every penny coming in in surplus from all the trust funds, from the Medicare Trust Funds, from the Medicaid A and B Trust Funds, from the Social Security Trust Fund, from the Federal Retiree Pension Trust Funds; government is taking this extra money, not saving it, but spending it on other government programs.

So the challenge is, how is government going to pay this money back? In this case that we are talking about tonight, how is government going to come up with the money to pay back what is now $1.7 trillion that it owes Social Security, plus the unfunded liability of Social Security in the future?

If we take how much money we would have to put in in investment accounts today, over and above the tax revenues coming in from Social Security, it would take $9 trillion invested today, and remember our Federal budget is about $2 trillion a year, it would take about $9 trillion invested today to accommodate the demands and needs of Social Security if we are going to keep our current promises.

This chart sort of represents in the short term surpluses that end about 2017; and the future deficits are in red at the bottom right hand of the page. This represents the trillions of dollars that are going to be needed in the future over and above tax revenues. So what do we do about it?

One of the problems is that every time Democrats might suggest a solution, Republicans suggest, well, they are trying to ruin Social Security. More often, every time a Republican offers a solution, which have been several since I have been in Congress, starting in 1993, the Democrats have demagogued it the next election and scared seniors; and so everybody has sort of kept their hands off. They have been afraid to deal with this problem of saving Social Security.

Let me go through some of these charts. Our pay-as-you-go retirement system will not meet the challenge of the demographic change. The demographic change is twofold: one, a slowing down of the birthrate and an increase in the length of time people live. So since more people are retiring, that means there are more people going to be taking out from Social Security than are putting into it. And make no mistake, there is no savings account with our name on it. There are no savings in Social Security. The money comes in from the Social Security FICA tax one week and within the next 10 days it is sent out to recipients.

In terms of the demographics, in 1940 there were 42 people working, paying in their Social Security tax, for every one retiree. By the year 2000, there were three people working, paying in their Social Security tax for every one retiree. And the estimate is, by 2025 there will only be two people working for every individual that is taking out Social Security benefits. So what we have done, of course, is increase the taxes on those working to make it tougher and tougher. So right now we have most working people in the United States paying more in the Social Security tax than they do in the income tax.

Insolvency is certain. The actuaries know how many people there are in this country and they know when they are going to retire. We know people will live longer in retirement. In 1934, the average age of death was 62, but the retirement benefits started for full benefits at 65. So most people did not live long enough to collect Social Security. So the system went along very handily. And then people started living longer and longer, and today the average age of death is about 80 years old for a female and about 76 years old for a male. We know how much these individuals will pay into Social Security. We know how much they are going to take out.

Payroll taxes will not cover benefits starting in the year 2017, and the shortfalls will add up to $120 trillion between 2017 and 2775. That means $120

trillion we are going to need over and above the tax revenues coming in for Social Security.

I mentioned the $9 trillion. The $9 trillion is in today's dollars. If we came up with the $9 trillion today and put it in a savings account, that $9 trillion plus the interest on that savings account equals the $120 trillion between 2017 and 2075.

Just to alert, Madam Speaker, Social Security right now is not a good investment. When we started in 1934, instead of all these people, after the Great Depression, going over the hill to the poorhouse, we decided to have enforced savings. So we came up with a program, FDR did, that said, Look, we are going to take some of your earnings today so that you have some social security of having some money coming in, not having to go to the poorhouse when you retire.

2145

If you happened to retire in 1960, it took 2 years to get everything back that you and your employer put into Social Security. By 1980, it took 4 years after your retirement. By 1995, you had to live 16 years after you retired to break even on the money you paid into Social Security. And by 2005 it is going to be 23 years you have to live if you retire year after next. 2015 and all the way through 2025, you are going to have to live 26 years after you retire. Remember, in 1983 when we changed the Social Security law, the so-called Greenspan Commission, we said that we were going to index the retirement age upwards so that we have started going up to a full entitlement age of 67; and we started that last year, increasing gradually over the next 20 years, moving from 65 to 67 for the maximum income from Social Security retirement.

Some people have suggested, well, the government has borrowed $1.3 trillion of the surpluses that come in from Social Security. If government would just keep their hands off that extra money coming in, we would be okay. But I did this chart represented by these two red graphs to represent we would not just be okay. What government owes the Social Security trust fund, what we have borrowed since there has been surpluses coming into Social Security, we have borrowed $1.3 trillion. The shortfall, even after the repayment of the trust funds, is going to be $10 trillion. That is just to take us up to 2075. So huge problems of coming up with the dollars.

And how do you do that? Do you raise taxes or do you cut benefits or do you increase borrowing? The system is stretched to its limits and 78 million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues; the estimate is now 2017. It depends partially what happens to the economy in the next couple of years, whether that comes down to 2016 or not. And Social Security trust funds go broke, even if all the money borrowed is paid back, in 2037, although the crisis is going to arrive much sooner.

Let me just explain a little bit why the crisis arrives in 2017. That is because there is not going to be any money to come up with to pay back the trust funds. There is no savings. The trust funds have been already spent on other programs. You either have to borrow more money or you have to increase taxes or you have to cut benefits.

A lot of argument, should we be getting a better, a real return on the Social Security money paid in by American workers? When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security in all of the literature sent out in those years was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans.

Going to the archives, it is interesting, researching what happened to the debate on Social Security when it was debated in 1934 and 1935. The Senate actually said that it can be for savings and it would go into privately owned accounts where government could not own and control the money but individuals would own their own savings account but they could not take the money out of the account; but if they died, for example, before they reached retirement age, it would be their money that went into their estate. The House enacted a separate legislation that said, no, it has got to be a government account, everything comes into government, government then guarantees the payments that would go out to retirees. Then it went to conference committee. In conference committee, the negotiations went with the House version, so it became a government program with no personally owned savings account.

I just think it is important, Madam Speaker, to mention that there is no entitlement to Social Security. It has gone before the Supreme Court twice now. In two different occasions, the Supreme Court has said that the Social Security taxes are simply a tax, the benefit program is a benefit program enacted by Congress, signed by the President, and there is no entitlement just because you pay in the Social Security tax.

The diminishing returns of your Social Security investment, the real return of Social Security is 1.7 percent today. That is what the return is if you live the average age and you pay in the average payments in your FICA tax, you and your employer. The average return on that investment is 1.7 percent. For some workers, it is actually going to be negative. Minorities, for example, young black men die at an age of, I think it is 61 years old now. That means that they pay in most of their working life, but unless some money goes to their spouse, they do not take any money out. So minorities on an average have a negative return on the money they pay into Social Security. The average is 1.7 percent.

But the marketplace, if you were to invest it in the marketplace, and in this chart I have a 7 percent real return, that means 7 percent over and above inflation, that is what the Wilshire 5000, the 5,000 stocks in the Wilshire index funds have returned between 1993 even with these last 3 bad years, still between 1993 and 2003 have returned a real rate of return of 7 percent, 7 percent over and above inflation.

So how do we capitalize on some of that, that better return to start giving retirees something better than the bad investment now they have in Social Security, something closer to that 7 percent? The U.S. trails other countries in savings as far as its retirement system that allows individuals to own some of that money. In the 18 years since Chile offered the personal retirement savings accounts, 95 percent of Chilean workers have created accounts and their average return up till today has been 11.3 percent return. Again, compare that to what Social Security is giving workers in America, Madam Speaker, that is, a 1.7 percent return. Among others, Australia has done it to allow personally owned accounts. Britain has allowed their workers to have part of their retirement in personally owned accounts. Switzerland and many other countries offer personally owned accounts that government cannot get their hands on.

This chart just tries to emphasize that there is no Social Security account with your name on it. I wanted to quote a government source, the Office of Management and Budget, that said when I was on the Committee on the Budget, testified that these trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public or reducing benefits or reducing other government expenditures. This was the OMB statement before the Committee on the Budget.

Economic growth will not fix Social Security. Some people have said, well, if we can get the economy going, we will have enough revenue coming in to solve the Social Security problem. But because benefits are directly related to how much you are making, how much you are earning, so the more you make and the more you pay in, the more you get when you retire, so eventually it is going to catch up with you. I do this by these four blips. Social Security benefits are indexed to wage growth. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire. Growth. Makes the numbers look better now but leaves a larger hole to fill later. The administration has used these short-term advantages, I think, as an excuse to do

nothing. I am not talking about the Bush administration; I am talking about the last four administrations that have found it easier to put off decisions on correcting and saving Social Security simply because it is a tough political issue. It is easy to go to seniors. We have almost two-thirds of our seniors now that depend on Social Security for most of their retirement income. So you can understand how it is easy to scare these individuals in an election. The demagoguery I think is unfair to the future of our kids and our grandkids who are going to have to come up with the tax money to pay future benefits.

This Congress is a political body. We are not going to cut Social Security benefits probably. What we are going to do is cut Social Security benefits in a way you do not really realize they are going to be cut. Like when President Clinton came in, we cut Social Security benefits by increasing the taxes that you have to pay on the Social Security benefits that government pays you. Over the years, we have come up with gradually increasing the retirement age. We have come up with provisions where we increase the tax rate that you have to pay into Social Security to accommodate today's needs to pay current benefits. If you are going to depend on politicians to correct the problems for Social Security, without some pressure and some questions from constituents around the country in this next year's election, I hope everybody would ask the Presidential candidates, would ask every candidate for the U.S. House of Representatives, would ask the one-third of the Senators that are going to run for reelection, what is your solution to save Social Security? It is easy for them to slide over and say, well, boy, we have really got to work on this, this is my top priority. Then follow up with a question, What is your priority? What is your solution?

The biggest risk is doing nothing at all. Social Security has a total unfunded liability, as I mentioned, of over $9 trillion. The Social Security trust funds contain nothing but IOUs. To keep paying promised Social Security benefits, as I mentioned, the payroll tax will have to be increased by nearly 50 percent. The payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent.

This is a record of what we have done in the past. And what we have done in the past might be an indication of the dangers we face in the future. In 1940, we had a rate for Social Security on your FICA tax of 2 percent on the first $3,000 you made. That is 1940. And so the maximum tax was $60. By 1960, we decided, well, we do not have enough money to pay benefits, we are going to increase the taxes again; so we increased it to 6 percent on the first $4,800 for a maximum of $288. By 1980, it got up to 10.16 percent. The base was up to $25,000. Now the rate in 2000 is 12.4 percent. In 2000, it was $76,200. Today it is $82,000 in terms of the base that you pay that 12.4 percent on.

As we are going to see by this next chart, most workers in America pay more now in the Social Security tax, as we have just continued to up and up the tax and up and up the base that that rate is applied to, so 78 percent of Americans pay more in the Social Security tax than they do pay in the income tax.

If nothing else, it should be of pocketbook interest for Americans to say, look, do not dig yourself the kind of hole where you are going to have to increase taxes on us again, or do not dig yourself the kind of a hole where you are going to dramatically play creative financing games to lower our benefits.

□ 2200

Personal retirement accounts, they do not come out of Social Security. So they become part of their Social Security retirement benefits. A worker will own his or her own retirement account and limit it to safe investments that will earn more than the 1.9 percent paid by Social Security.

I said 1.7 percent. It is between 1.7 and 1.9 percent.

So can we come up with a way that does not give the snake oil salesman on Wall Street the opportunity to sell bad investments to individuals that still might own that retirement account? And the answer is yes. Here in Congress we have what we call a Thrift Savings Plan. We limit the investments that a Member of Congress can make, and they are sort of a savings investment plan that they take some of the salary out, the employer puts some of the money in, and it is limited to certain investments. It is limited to index stocks, index bonds, government bonds, index small cap funds, and they just added a foreign investment, but they have their choice of balance between those investments.

And that kind of limitation is what we need in any Social Security bill that allows individuals to own their own account. We have got to say, look, they can only take this out for retirement, but it is going to be their money. If they die, it goes into their estate, unlike the current situation where they might get funeral expenses, but if they die without a wife or without a family, then they are going to have problems.

I think it is important also as we face this next election year, and Social Security is going to be part of the debate this next election, from Presidential debates on down, Social Security is coming to the head with 76 million Americans retiring, starting to retire in just 4 years.

But do the Members know what else is going to happen in 4 years? The part of the Social Security program, the trust fund that pays benefits for disability and for beneficiaries for the spouses of workers, that trust fund is going to go broke. There is not going to be enough money in that trust fund in another 5 years to pay benefits, and that is a huge problem. Personal retirement accounts offer more income.

Cato is a think tank organization, sort of libertarian. They are for personal retirement investment accounts, and Cato, in estimating the potential returns of taking 12.4 percent of a person's income that is making $36,000 a year from Social Security, that person would now make $1,280 a month if they had the average return of 7 percent a year over and above inflation, which has happened in the Wilshire 5000 index fund in the last 10 years. They would have $6,500 a month rather than the $1,280.

On the Committee on the Budget, I chaired a bipartisan task force on Social Security. So for over a year we met with the experts throughout this country on what the problem was on Social Security and what the potential solutions were that might best accommodate the shortcomings of Social Security.

One thing we found out is the longer we put off a solution, the more drastic a solution, and that goes back to the fact that Social Security surpluses are going to run out someplace between 2015 and 2017. So if we started using that surplus money today to get a better return, then it is easier than waiting several years or even waiting until a disaster hits and there is no more surplus coming in.

A couple points we came up with in the bipartisan task force, and both sides agreed that private-owned accounts have to be part of the consideration, but we thought that guaranteed-return securities and annuities can be used with personal accounts as part of an investment safety net. So we can go to investment firms right now that will guarantee more than the 1.7 percent Social Security is paying that could result in an absolute guaranteed retirement income of more than what Social Security is paying.

And the problem is, how do we make this shift from a pay-as-you-go program, using every dollar that is coming in from the FICA Social Security taxes and shift it over to a personal investment account so we take that money away from government? That is the challenge, but the longer we put it off, the more drastic the solutions are going to have to be.

Another unanimous agreement was a universal Social Security survivor and disability program needs to be maintained. So nobody, nobody in any proposal that has ever come before Congress is suggesting that we privatize the disability part and the survivor benefit part of this program. In fact, most of the proposed legislation starts out at only taking 2 to 2.5 percent of their income out of the 12.4 percent taxes that are being paid in that could become owned by the worker and limited to safe investments.

And, thirdly, Congress should consider paying for a portion of disability benefits for workers who have been in

the system a short time, using moneys from the general fund, and I think that is reasonable. We have got to have that kind of an insurance program. So part of their Social Security taxes are insurance. That part of the insurance that is spread across America to all workers should not be touched and should not be changed and, in fact, should be guaranteed, if necessary, for money coming out of the general fund.

Six principles of saving Social Security: protect current and future beneficiaries; allow freedom of choice, and that means that if they do not want to go into any private investment account, they do not have to. We can have a program that if they do go into those investment accounts, they can be guaranteed as least as much as Social Security would otherwise pay them.

Preserve the safety net. Preserve the safety net for beneficiaries, preserve the safety net to make sure that nobody in America is going to be impoverished and have less than they would have had under the old Social Security program. Make Americans better off, not worse off. We can do that if we start getting a real return on investment of that money coming in from Social Security and create a fully funded system and no more tax increases. If anything, let us start working at taking less money out of the worker's pocket to accommodate the Social Security system in this country, and we can do that. We can do that by getting a real return and a better return instead of taking all the surplus dollars that are coming in and spending them for other government programs.

I will be introducing my Social Security bill in 1 month when we come back, and that legislation is going to deal with some problems that we now have in Social Security. It is going to deal with more fairness to women. It is going to provide that women that decide to stay home with kids under 6 years can accrue benefits at the average of their total working career for those years that they stay home with children under six. It is going to provide an increase in benefits for surviving spouses that now are asked to live on one income instead of two incomes if their husband dies.

Several other provisions that we are looking at suggest that if they do have a personal savings account and they select the option to have a personal savings account, they would add what the wife makes in terms of 12.4 percent of her income that is allowed to be put in a personal savings account, add what goes into the personal savings account from the man and the wife and add them together and divide by two so each spouse has an equal amount in that personal retirement savings account.

Madam Speaker, I think the legislation is going to be interesting and challenging. I hope we can move ahead with real debate and not demagoguery.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2799, DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. LINDER (during the special order of Mr. SMITH of Michigan) from the Committee on Rules, submitted a privileged report (Rept. No. 108-226) on the resolution (H. Res. 326) providing for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

Mr. LINDER (during the special order of Mr. SMITH of Michigan) from the Committee on Rules, submitted a privileged report (Rept. No. 108-227) on the resolution (H. Res. 327) providing for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IRAQ WATCH

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for half the time remaining before midnight as the designee of the minority leader.

Mr. HOEFFEL. Madam Speaker, for 6 or 7 weeks a number of us have been coming to the floor to talk about our role in Iraq. We are calling ourselves the Iraq Watch, and we are back tonight. We are back with some of the challenges regarding Iraq fresh in the news. And I am joined by the gentleman from Massachusetts (Mr. DELAHUNT) coming as well as part of our four Iraq Watchers, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Illinois (Mr. EMANUEL). I believe there will be others joining us as well this evening.

We are dedicated to the propositions of asking questions, seeking answers about what is happening in Iraq, trying to suggest policy changes that would improve the situation and certainly reporting back information to the American people.

Two of us voted in favor of the military authority sought by the President last fall, myself included. Two of us did not. All of us, of course, were told, as were the American people and Members of Congress, we were told with great certainty that Saddam Hussein had weapons of mass destruction and was trying mightily to develop more. And there is no question that in the past Hussein had such weapons. He used them in murderous ways against his own civilians and against innocent Iranian civilians in the past. None of that is in any doubt.

But it is becoming more and more clear as time goes by that last fall there were those in the White House and in senior levels of the administration and the President himself who, in my opinion, exaggerated the threat of the weapons of mass destruction in order to win support in Congress and in the country for the invasion of Iraq.

It is now known that our intelligence agencies were reporting to the White House and to the Pentagon with significant uncertainty and with serious doubts about certain aspects of the weapons of mass destruction program in Iraq; notably, the September, 2002, Defense Intelligence Agency report and the October, 2002, National Intelligence Estimate, both of which have been discussed in the news. I have reviewed parts of both of those which are classified documents in the custody of the intelligence agency.

It is interesting to note that the administration itself declassified some of the National Intelligence Estimate last week to try to prove their point that there was a legitimate threat from Iraq, and most analysts have concluded that that release of that information actually pointed out once again how many doubts and how much lack of certainty was being expressed by our intelligence professionals, but that information being used by the White House and the Pentagon civilian leadership with no uncertainty, with nothing but certainty in terms of trying to sell their case.

□ 2215

So let me just make a couple of quick points before yielding time to the gentleman from Massachusetts (Mr. DELAHUNT).

Because of the recent disclosures regarding the intelligence gathering by our professionals and the use that that intelligence was used for by the administration, I am joining others in calling for the creation of an independent commission, something the gentleman from Massachusetts (Mr. DELAHUNT) has talked about for weeks here on the floor, an independent commission, a nonpartisan or bipartisan commission, that would be above politics, to investigate both the accuracy of the gathering of intelligence regarding weapons of mass destruction in Iraq and the uses of that intelligence by the administration.

We clearly won an important military victory in Iraq due to the brave and courageous fighting of our young men and young women in uniform, but I do not think that our military mission is complete until we have a full

accounting of the weapons of mass destruction, both regarding their location and the custody of those weapons so that if they still exist we know they are in safe hands, and also a full accounting regarding the intelligence associated with those weapons of mass destruction.

Having won the military victory, we surely will not win the peace unless we seek and receive more international help in Iraq for the post-conflict phase of the challenges there, so I am giving my support to those that are calling for a United Nations Security Council resolution. We are seeking approval from this administration and urging President Bush to go to the United Nations Security Council to seek an overarching resolution that would sanction NATO peacekeeping and United Nations reconstruction and humanitarian aid so that we can provide proper security in Iraq, which is obviously a huge problem, as now 38 American soldiers have been assassinated in attacks and ambushes since the President declared victory on May 1, 38 Americans in uniform assassinated by guerilla tactics in Iraq. Clearly we have not secured that country, and we will not be able to deal with the reconstruction and humanitarian challenges, first, without security, and, secondly, without more international help.

Let me stop at this point before I get too carried away, because there is so much to talk about and so much has happened since the time we were on the floor a week ago; so much has come out in the press and in public discussion.

Let me at this point yield to my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), a senior member of the House Committee on International Relations.

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding. I would just reinforce his words regarding the need for an independent commission, because, unfortunately, there are or have been accusations about political sniping occurring, when it is the purpose of many of us simply to pose questions that not just our constituents, but many Americans have, regarding the use of intelligence, whether in fact it was selective, the quality of the intelligence. But I think it is very important tonight to stress to the viewers that this is simply too important to be a partisan issue.

The reality is that many prominent, well-respected Republicans share our concern. This past weekend, Senator LUGAR of Indiana, who chairs the Foreign Relations Committee in the Senate, Senator CHUCK HAGEL from Nebraska, as well as the senior Democrat on the Foreign Relations Committee, Senator JOE BIDEN, all expressed their concern about the need for the White House, for the President, to start telling the American people the reality of how long the American presence will be required in Iraq.

The three Senators indicated that they had reached a consensus that some 5 years was a reasonable period of time. I hope they are right. But I fear that it will even be longer, given the experience that we have had in the Balkans, given the experience we have had in the Korean Peninsula, and given the estimates that we have heard from others. But this is not a Democratic issue, a large D Democratic issue; it is not a Republican issue. It is an issue that affects each and every American, because it is about American credibility.

In some respects, it is more than simply our policy vis-a-vis Iraq, because the credibility and the competence of the President of the United States, no matter what party is in the White House, is essential to peace in this world. I do not think, as some pundits say on TV, that in a serious issue such as this there should not exist a ''no spin zone.'' It is simply too important.

When I first suggested an independent commission, I pointed out the fine work that was conducted under the cochairmanship of the former Senator from New Hampshire, a Republican, Senator Warren Rudman, and the former Senator from Colorado, Gary Hart, and there were many well-respected, highly experienced Americans who were part of that commission, and they had an excellent staff.

Tragically, the quality of their work could not be disputed, because they filed a report back in February of 2001 that described in frighteningly prescient terms what would occur if America did not take seriously the threat of terrorism. They, for all intents and purposes, predicted the tragedy that occurred some 9 months later on September 11, 2001.

I feel confident that the kind of people that served on that commission would be willing, if asked by the President, to come to answer all of the questions that are currently being posed; and they could do it in a way that was transparent, that was open to the American people to hear, to see, and to reach their own decisions.

I notice we are joined by our colleague, the gentleman from Illinois (Mr. EMANUEL). He looks like he wants to have something to say.

Mr. EMANUEL. Mr. Speaker, as all of our colleagues here have noticed, this is our sixth week down here discussing what is going on in Iraq, what is happening to our troops, what has happened to the occupation, what has happened to the reconstruction.

A lot has been focused on the President's credibility. I have repeated before from this podium, as we have done this Iraq Watch, that although it is the President's credibility, it is very much America's credibility that is on the line, and that this inquiry would be so important as we face what is now becoming a consensus in the intelligence and security arena, an ever-present threat in North Korea.

Former Secretary of Defense Perry, a well-respected Secretary of Defense, on North Korea, our policy there, I think his words were clear. He fears war by end of the year. Unless we clear up the notion of America's credibility locked into and tied to the President's credibility, we will not be able to muster the international support for the choices we will make as we deal with that nuclear threat.

Just recently Iran, another member of the ''axis of evil,'' has prepared a missile with capability to hit American troops. There, too, we will need international cooperation and consensus.

Mr. DELAHUNT. Could I interrupt on that point, because it does follow an item that I read today in the New York Times. The President, while meeting with the Italian Prime Minister, accused both Syria and Iran of continuing to harbor and assist terrorists; and he warned those two nations that they would ''face consequences.'' I do not know what that means, but I am definitely concerned when I hear that language.

By the way, I think it should be noted, because I know our friend from Chicago has made the point again and again about the cost of the war and the need for international assistance, he did not discuss, according to the Time's piece, Italian troops coming to Iraq to assist and replace American troops. I would have hoped that he would have done that.

But while we are talking about Syria, in the words of the President, I do not know if you are aware, but recently an Under Secretary of State by the name of John Bolton was to testify before the House Committee on International Relations, which the gentleman from Pennsylvania (Mr. HOEFFEL) and I serve on.

There was a report in the Miami Herald, and let me read certain excerpts from that report, because we are talking about credibility, the credibility of the President of the United States and the credibility of the administration.

Mr. EMANUEL. That is the testimony that was withdrawn, if I am not mistaken?

Mr. DELAHUNT. It was withdrawn because of the CIA insistence that it was exaggerated testimony. This gentleman, who is a leading neo-conservative, or a leading hawk, within the administration, also said back in May of 2002 that Cuba had a bio-weapons program that was being developed. At that point in time, neither Secretary Rumsfeld, Secretary Powell, nor General Gary Speer, in charge of the Southern Command, would support that statement. They talked about capabilities.

But just for one moment, if my friends will indulge me, because I think this is important, because we are talking about Syria, because the President of the United States said today they will face consequences, I hope he is getting sound intelligence.

But this is what the Miami Herald said last Tuesday. I am just going to read some excerpts: ''In a new dispute over interpreting intelligence data, the

CIA and other agencies objected vigorously to a Bush administration assessment of the threat of Syria's weapons of mass destruction that was to be presented Tuesday on Capitol Hill. After the objections, the planned testimony by Under Secretary of State John Bolton, a leading administration hawk, was delayed until September. The CIA and other intelligence agencies said the assessment was exaggerated. Bolton's planned remarks caused a revolt among intelligence experts, who said they thought they inflated the progress Syria had made in its weapons programs, said a U.S. official who is not from the CIA but was involved in the dispute. The CIA's objections and comments alone ran to 40 pages.''

Mr. EMANUEL. One of the things that the bipartisan commission would look at, in my view, the reason the President said it was important that we had to go to war now, we could not wait another 2 weeks for maybe a possible U.N. resolution to get other countries and persuade them, was the imminent capability, I think he said in one speech, that Saddam Hussein and Iraq had the capability in 45 minutes of deploying a weapon of mass destruction.

□ 2230

The two criteria, this was done in a New Republic article that I thought was excellent, two essential pieces of the State of the Union backing up the nuclear threat of Iraq that the President delivered here: One was the infamous 16 words about the Niger memo which clearly proved there was no attempt, well, it proved that that documentation to that ''approach to Niger'' was inaccurate.

Second was the famous tube acquisition. In both cases the CIA said both, A, the tubes were not for nuclear capability because they were both coated with chemicals; and second, the acquisition of Niger for uranium or the yellow cake material, this memo was inaccurate, that this event did not occur.

In fact, today on the NBC Nightly News they showed three separate stories about the forgery and how anybody at any point could have easily, just by checking on Google, realized it was not correct because the name at the bottom by the government official of Niger was not accurate. The dates were not accurate. Just looking at it, anybody, not even with intelligence background, could have seen that.

So the two pieces of essential evidence supporting the fact that Iraq was on the threshold of nuclear capability did not meet the standard of both our intelligence community and, in fact, one can say it does not meet even a laughing standard out there in the international community. Hopefully, this will require an investigation of whatever body was formulated of eminent Americans would get to what happened, how did the President put it in his speech, who put it in his speech, who convinced and weighed in on the intelligence community?

I have worked on a few State of the Unions in my time, and I can see this back and forth, and I can see exactly if the White House wants something, and time and again you pressure an agency, time and again you have somebody pushing back, the ultimate compromise that squeezes out of the pressure is, we will say the British said it. So the CIA and the intelligence community who is resisting does not need to own this.

It was desire and a need for a political purpose to have that in the speech, to give the speech some immediacy, some urgency to the moment. That may have happened, may not have happened, but until we have an independent investigation or inquiry or whatever body looks at this, we will always have questions about America's credibility that will then, I think, hamper, not limit, whether Syria is or is not. Syria, we know they are harboring terrorists; whether they are developing weapons of mass destruction we do not know.

We need in the international community, it is clear, given we have 21 units stationed around the world of which I think 16 or 18 are in Iraq, America's military capability, not that they could not muster and respond to another situation, they could, but we are clearly spread very thin; and to convince the world community of the importance of what we see in Iraq, of what we see in North Korea, that North Korea being very relevant today, we cannot afford to have a credibility gap about the President's word, we cannot, as Americans, regardless of your political background.

So I say I would hope that this body of eminent Americans would look at the two points that substantiate the claim that Iraq was on the threshold, not on the threshold, had the ability, that is what the speech and the words say, in 45 minutes could launch a weapon of mass destruction. The nuclear pieces of that clearly did not pass the basic smell test.

Mr. HOEFFEL. You know what the real crime of this is, the really bad impact of this credibility gap that we are talking about that has been developed because of the exaggeration of the threat of weapons of mass destruction is in an age of terror, which we are certainly in, you can argue very persuasively that there will be times when a nation must act preemptively if faced with an imminent threat to protect itself.

We are not dealing, as we all know, with a traditional enemy where you see the ships amassing in the harbor or the armies amassing on the border; that if you are faced with an imminent threat from a terror source you may have to act preemptively, but you must have intelligence that you can rely upon.

Mr. DELAHUNT. Let me ask a question. According to this new doctrine articulated by President Bush, what are the new criteria for a preemptive strike? I have asked that question of experts. I have asked that question of administration representatives. I have asked those questions of people on the street. I do not know what those criteria are.

Are they clear and present danger? What is the amount of evidence that is enough to launch a military strike against a nation? Do we have evidence that Saddam Hussein was prepared to attack the United States either through Iraqi military forces or through the use of terrorist organizations?

Mr. EMANUEL. One of things that has surprised me, I come from the view there is no doubt if you look at the past of Saddam Hussein's actions. He has used chemical weapons on his own citizens. He has used them in the war on Iraq. He has engaged in a series of attempts to repress a regime.

Why would the administration conjure up a threat? Why would you in the State of the Union, in which you are on the threshold of war, decide to go with evidence that was not good enough for the Secretary of State to use a week later, that in October it was taken out of your speech by the various intelligence agencies?

To me, this is still one of the great mysteries. What was it that decided we were going to go on the flimsy evidence of this Niger memo that anybody within 1 minute of sitting down, as clearly on tonight's story on NBC News, they realized if you just looked at it and they looked at people that looked at it independent of our intelligence community.

MR. DELAHUNT. I would like to ask the question, if I could, to the gentleman from Hawaii (Mr. ABERCROMBIE), can you or can the gentleman from Washington (Mr. INSLEE) articulate clearly and definitively for us and for the Americans, for us, those of us who were watching it, what are the standards, what are the criteria under the Bush doctrine of preemption?

Mr. ABERCROMBIE. Naturally, you turn to me when you ask for that.

Mr. HOEFFEL. That will show you to come late for Iraq Watch.

Mr. ABERCROMBIE. I was letting you get warmed up.

Mr. EMANUEL. This was his senior high school thesis.

Mr. ABERCROMBIE. The question that you pose and was answered rhetorically with another series of questions, really observations by the gentleman from Illinois (Mr. EMANUEL), I think bear answering. I think there is an answer and it is an unfortunate answer. It has nothing to do with plots and conspiracies, but it has everything to do with a philosophy and an attitude and an ideology which has been expressed again and again by some of the people that have been mentioned here earlier this evening.

If you take a look at the spectrum of essays and books and articles written by those who were now in charge of policy in the administration, Mr. Krystol's book on the mission in Iraq,

our mission in Iraq, Mr. Perle, Mr. Booth, some of the think tanks here in Washington, these nonprofit, untaxable think tanks that operate thanks to the tax loopholes that we have which allow them to operate and comment and infest themselves in halls of government. There are more than one set of interest groups in this town, let me state, and some of them are in charge of this policy.

So the answer, I am sorry to say, in my judgment is this has been a clearly articulated policy of people now associated with the administrations who were determined to start a war in Iraq, to include Syria and Iran, because of the policies that they feel this country should be not only espousing but pursuing in terms of world domination beginning in the Middle East.

So it is clear, even with the publishing of the documentation now over the weekend, that the bombing that took place for perhaps a year or more before the actual launching of the attack on Baghdad was following a pattern to try to knock out selected targets in Iraq before the formal hostilities in terms of an attack actually started.

So I think I am forced to conclude, and this is why I think the idea of having an independent investigation committee is so important, I am forced to conclude that there was a pattern already being articulated publicly and in writing to set this Nation on a course of imperial attack beginning with Iraq.

Mr. HOEFFEL. We wanted to hear from the gentleman from Washington (Mr. INSLEE), but it looks like the gentleman from Illinois (Mr. EMANUEL) has 60 seconds here.

Mr. EMANUEL. I wanted to make two closing comments on my side on this point.

One, I think we have a serious problem with North Korea. There is no doubt North Korea is on the verge of developing nuclear weapons, and unless America's word and its credibility can be trusted, our ability to muster the international community's outrage and capability to handle this will be questioned. Unfortunately, the President's State of the Union has called the question of our credibility and our ability to muster in the international community when it says this was an immediate threat.

I think the American people, unfortunately, because of this now, are exhausted in dealing with the international crisis which we will have to do.

Secondly, what I want to report and talk about in this group is dealing with the cost. We are paying $1 billion a week for the occupation of Iraq. There was a story two nights ago, four nights ago on the nightly news of how our troops are now organizing soccer teams in Iraq and sports in Iraq for the young.

We have cut programs here dealing with Title IX which is under attack in this country.

Mr. DELAHUNT. I can tell my friend that there are sports programs that are being cut in my district back home in south shore Cape Cod.

Mr. EMANUEL. I would like to say to all of my colleagues that there is not a Member in this body who does not have playgrounds in their district that are badly in need of repair. We are literally for sports teams.

Now, I am for the reconstruction of Iraq. I have no problem. I just find it interesting that our military, who are never going to be involved in a mamsypamsy activity of nation building are out organizing soccer leagues and soccer clubs in Iraq, and yet playgrounds in America go dilapidated. Swings do not get fixed. Youth clubs are not organized in the United States. Title IX is under attack here in America. And we are paying a billion dollars a week in Iraq.

I have said this before on the floor. We have a plan for 20,000 units of housing in Iraq. The President's budget has only 5,000 units of affordable housing here in the United States planned. We have 13 million Iraqis; we are thinking about providing universal health care to half the population. We have 45 million Americans without health insurance who work full time in this country.

I have no problem, Americans have been since World War II and prior to that, one of the most generous people in the world, yet, if you offer them a smaller vision here at home for themselves and their children, their generosity will come into question.

Mr. DELAHUNT. I think we all agree with the gentleman, but at the same time you are not factoring in the $250 million a week that we are paying to occupy Afghanistan and provide security and stability here. So would you please aggregate the sum from now on?

Mr. EMANUEL. The aggregate sum would be $4.2 million a month.

Mr. DELAHUNT. This is not for reconstruction efforts.

Mr. EMANUEL. This is just for occupation efforts and our troops overseas. And that totals well over $50 billion a year for our foreign efforts. I want to say this, members of our body, Democrats, have a Rebuild America account for investment in highways, bridges, investments in sewers and water treatment. All that would lead to greater economic development. It costs $50 billion.

Now, I have adequately indicated to the sponsors of that legislation that when we come up to authorizing the supplemental for Iraq and Afghanistan, that we should attach the Rebuild America to the Iraqi reconstruction project. If we are going to pay $50 billion for Iraq over a year, I have got $50 billion I think we can find investments here in the United States. And there is not a Member in this body whose district does not need economic investment in the areas of a new road, new mass transit, new water treatment facilities.

Again, the occupation of Iraq is essential now that we are there. But we cannot deinvest and deconstruct America in the word of reconstructing Iraq.

Mr. HOEFFEL. We are also aware of the gentleman's American parity act which we are all cosponsors of.

Mr. EMANUEL. Which would require that we invest the United States equal to the goals we are setting in Iraq, whether it is in the area of health care, education, in the area of road reconstruction.

In America, our highway fund will be cut by over $6 billion, yet in Iraq we are building over 3,000 miles of road which would connect New York to California.

□ 2245

Mr. DELAHUNT. I dare say that if we expended the amounts of resources that we will be expending in Iraq for security and for reconstruction that we could have a prescription drug benefit plan, not just for seniors in this country, but for just about every American. My friend from Washington is here.

Mr. INSLEE. Madam Speaker, will the gentleman yield?

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

Mr. INSLEE. Madam Speaker, I am glad to join my colleagues because I feel this message needs to be repeated, that Congress is going to get to the bottom of this intelligence fiasco, and the best way to do that is through a bipartisan public commission to really find out what happened with the American people not getting the straight scoop about Iraq before this war started.

I have heard certain people in the administration think that this is just going to kind of go away; it is going to kind of drift off and Americans will watch reality TV and forget this. I think the administration is very wrong on this; and we need them to embrace this idea of a bipartisan, led by a Republican, perhaps Warren Rudman, some esteemed Republican figure, to lead this bipartisan commission.

I have got four points why this is so important, and the first two come back to the gentleman from Massachusetts' (Mr. DELAHUNT) question, which is what should be the standard for starting the preemptive war. I would suggest two, at least two.

Number one, that the administration will not start a war unless the truth will convince the American people it is the proper thing to do, not the fudged intelligence, not the exaggerated intelligence, not the selective intelligence, but the whole intelligence. What clearly happened here is that this administration did not have confidence enough in their argument about freeing Iraqis, which might be a legitimate reason for a war, there are people who believe that, but they did not have confidence in that so they had to exaggerate intelligence and use selective intelligence and not tell us the whole thing. That is the first fundamental standard we have to meet before a preemptive war.

The second fundamental standard we ought to insist on on a bipartisan basis is that we do the intelligence first and then we make the decision whether or not to go to war. We do not make the decision to go to war and then ask everybody to give the intelligence that fits that preconceived notion. The neutral evaluation of the scenario that occurred here is that some folks in this administration made an early decision to get rid of Saddam Hussein, and yes, there may be some legitimate reasons to do that; and some Americans believe even with no security threat to the United States, but we cannot start a preemp war on that basis, and that is what this bipartisan commission ought to say.

I will just say two other points.

I think some folks are so hung up on this uranium yellow cake they do not realize this is just the tip of the iceberg. This is the smallest tip of the iceberg of this selective intelligence failure.

I heard today a gentleman point out four things that I do not recall the President telling us. The two highest al Qaeda operatives, officers if you will, in our custody in Guantanamo before the war started, told us that they had no relationship with Saddam Hussein. I do not recall the President standing in the State of the Union and telling us that the two highest al Qaeda operatives said they had nothing to do with Saddam Hussein. Maybe I missed that, but I do not recall that.

I do not recall him telling us that a retired national security fellow named Beers has said that looking at the intelligence he could not find any evidence of an ongoing relationship between al Qaeda and Saddam Hussein.

I do not recall him telling us that the Central Intelligence Agency told The Washington Post that, although there might have been some communication, there was no outstanding relationship between these entities. I do not recall any of these facts.

What I recall is the administration trying to paint a picture, an implicit assumption of Americans that Saddam Hussein was behind September 11, and all this intelligence was excluded from public information and that was just wrong. This President said, and it is almost a quote, there is no doubt that Saddam Hussein has some of the most lethal weapons systems devised by man. It is almost a direct quote.

When we peel back these intelligence reports, we know there are lots of doubts about these issues.

Mr. DELAHUNT. My colleague is aware under the administration of his father, back in the late 1980s and almost to the inception of the 1990 war, invasion by Iraq against Kuwait, that that administration was actually transferring dual technologies to Iraq and that it was under the Reagan-Bush administration that Saddam Hussein was taken off the terrorist list; that in 1986 it was the Reagan-Bush administration that installed an embassy in Baghdad; and that during the course of that war, during the course of that war, it was the Defense Intelligence Agency that was providing the Iraqi Army with intelligence; and that it was that administration that provided billions of dollars of agricultural credits to Iraq; and it was that administration that when this Congress, the Congress, a Democratic Congress back in 1989 and 1990 passed legislation which would have imposed sanctions on the Saddam Hussein regime for using chemical weapons against their own people, blocked the passage of those sanctions. Is my colleague aware of that?

Mr. INSLEE. Madam Speaker, I am certainly aware of it.

I tell my colleague what perhaps I was not aware of, and I was stunned when I heard our Secretary of Defense say this the other day. I was stunned. He said that we went to war not based on new intelligence, but by a new impression we had after September 11. We all had the new mindset after September 11. It is clear about that, but the impression this administration gave to the American people, consciously I believe, is that there is a new round of intelligence that necessitated this preemptive attack. Our Secretary of Defense came and told us there was no new intelligence that did not exist through the whole decade of the 1990s to justify the preemptive war. I was stunned when I heard that, when we heard the administration for 4 months tell us that there was all this imminent threat that was going to occur.

I will mention another thing, perhaps unsolicited advice to this administration. They are on the cusp of making some bad decisions. I do not like to use the word ''cover-up'' because it is too weighted with emotion; but they are not helping figure out what happened here, and there is great danger. I will give my colleagues an example.

Ambassador Wilson, the ambassador who blew the whistle on the uranium yellow cake, the forgery that ended up in the State of the Union speech, I just heard on NBC News tonight, his wife, her sort-of security clearance was jeopardized at the CIA because somebody sort of outed her, if you will, about her CIA contact which essentially could devastate her career. That kind of shenanigans is not going to be helpful to this administration. That is why we need a clear, publicly oriented, bipartisan review, above the table, nobody playing games with this. This is what America needs.

Mr. EMANUEL. Madam Speaker, I would like to add one thing. In all this, we forgot that it only, I think, was like 8 weeks ago Deputy Secretary of Defense Wolfowitz announced that the reason they made an argument about weapons of mass destruction was that way they could get consensus within the bureaucracy. They told us that it was somewhat imminent or the new intelligence is or the look of new intelligence.

This was a string to thread the beads together, but it was not exactly something new. It was not something exactly imminent. In fact, it was quite clear, based now if you can kind of peel back some of the pieces and disparate information you get from the newspapers, other magazines, journalists, that there were a lot of questions about the relevance of some of the information they were using to justify the war or the need for the immediacy and the urgency which gets to the question.

In an era of terrorism, there is a logic to preemption, which really is a dressed up code for self-defense; but if that urgency is not there, if the facts he used to establish that urgency are not there, then the justification for preemption, known in normal parlance as self-defense, is then stripped away. Then we have a threat, and the question is do we have war or do we have containment? Isolated military strikes? That is then a legitimate question to postulate, but the information necessary to have that was withheld from the public debate and from this hall.

Mr. ABERCROMBIE. Madam Speaker, I have mentioned it down here before. I said that we are going to bring the hammer of truth down on the anvil of inquiry, and this is resonating across the country; and we have mentioned here before that in this Iraq Watch that we are doing we have to do it after hours, during Special Orders, because we are not having the opportunity to do this. The press galleries, I will say again, are empty here this evening. We cannot have anybody from these big networks that are trying to make sure that they do not cross the Federal Communications Commission. They all want to be able to consolidate even more, own even more of what message gets out there. The press is not covering the outrage that is taking place across this country with respect to the points that the gentleman from Illinois is raising.

If my colleagues will go to moveon.org, we will find that there are over 300,000 people right now across this country who have indicated that they want an independent commission to look into all the questions, all the inquiry that is being raised in these sessions that we are having in this Iraq Watch, 300,000 people and growing. That does not get the coverage. It is the kind of grassroots movement, the net-roots if you will, that is taking place all across this country, that says we are not going to take it, our democracy is not going to be taken away from us by some self-appointed elitists who have an anti-imperialist attitude about what the United States is going to be or not be and that we are going to be informed about it later and that the sons and daughters of those elitists will never have to pay the price in blood and treasure that it takes to impose that imperialist vision on the world.

I will tell my colleagues that all across this country men and women are realizing they do not have to take it. They can do something about it. They are letting us know about it. Our colleagues have been reading on the floor of this House in some of the shorter special sessions message letters. They are reading communications that are coming in from the moveon.org petition drive from all over the country, in every State, in every nook and corner of this country, people who do not want to be lied to.

You can fool people. There is no doubt you can fool people, but you cannot keep it up and you cannot get away with it forever. People do not mind facing up to hard truths. Like Ronald Reagan said, facts are stubborn things. People do not mind facing up to it. They do not want to be lied to, they do not want to be finessed, they do not want to be fooled, and they do not want to be played with; and we need to bring this truth forward, and that is why we better have this commission or let me tell my colleagues, this administration and the elitists that support it are going to pay a fearful price.

Mr. DELAHUNT. Madam Speaker, I want to tell my colleague something that might surprise him. You have heard of Pat Buchanan?

Mr. ABERCROMBIE. I certainly have.

Mr. DELAHUNT. Very conservative Republican.

Mr. ABERCROMBIE. No question of it.

Mr. DELAHUNT. A commentator I am sure that many of those that are viewing are aware of. This is what he had to say in an op-ed piece that was printed today.

In ruthless candor, these are his words, President Bush does not have the surplus of resources, military, strategic, financial, political, to hold the empire. As some of us predicted a decade ago, the compulsive interventionism of the Bushites might lead to imperial overstretch. Something has to give. It is going to be the empire. From here on it begins to recede. Either President Bush starts discarding imperial responsibilities we cannot carry and bringing the troops home or his successor will.

That is not me. That is Patrick Buchanan.

Mr. HOEFFEL. What I think we need, before I get back to the gentleman from Washington (Mr. INSLEE), who has only had one bite at the apple night and is going to get another one, we have got to have straight talk about what is happening now and a clear reality and acknowledgment of what is happening now. Let me give one example.

We have a new U.S. commander in Iraq, General John Abizaid, I hope I said his name right, who has acknowledged that we are facing a guerrilla opposition, which I think is an obvious reality that we all know. What he has described as ''a classical guerrilla-type campaign'' is being waged against our armed services in stark contrast to what the Secretary of Defense has refused to acknowledge. Donald Rumsfeld has refused to acknowledge that we have got an organized resistance or a guerrilla resistance; and as Trudy Rubin of the Philadelphia Inquirer in her commentary said, ''You can't fight a war unless you recognize the enemy.''

Even on the military side of this conflict, until this new commander has told us the truth, General Abizaid, the civilian leadership of the Department of Defense has not faced the reality. What has happened, as we all know, is since the military victory was announced on May 1 by the President on the ship off San Diego, the American forces have been subjected to repeated ambushes and attacks.

□ 2300

Some 35 Americans have been assassinated since that day. And 10 have occurred since the President said the other day ''Bring it on.'' Since the President said, ''We have enough force to protect our forces in Iraq, so ''bring it on,'' ten more Americans have been assassinated.

Last week, Minnesota Public Radio quoted Mary Kewatt, the aunt of a soldier killed in Iraq, who said ''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.'' The lack of straight talk and too much arrogance and too much bragging is bringing on this credibility gap.

And so I do not have a credibility gap, Madam Speaker, I am going to honor my commitment to hear from the gentleman from Washington (Mr. INSLEE) one more time.

Mr. INSLEE. Madam Speaker, one thing that I think is important to say about this commission that we are urging is that it is not a commission to debate the Iraq war or the reasons for the war or the propriety of the war. I represent constituents who have divided opinion about that today. Some of my constituents believe that a removal of Saddam Hussein was justified even if he had toothpicks and that is all he had. Some of my constituents believe that was a legitimate exercise of military force by the United States.

Now, I do not agree with that, but some of my constituents feel like that sincerely. But those same constituents tell me that they did not appreciate being kept in the dark about the reams of intelligence which suggested that the President concluded that there was no doubt about Iraq's having these weapons, when, in fact, there was massive doubt; that he had no doubt there was a connection with al-Qaeda, when, in fact, there was massive doubt; that he made the decision after he had the intelligence; when, in fact, he made the decision before he had the intelligence. Those same people who believed the war may have been justified do not appreciate that because they recognize this is a threat to democracy.

Mr. DELAHUNT. Madam Speaker, I want to ask a question, because I think that was an excellent point. But there is such a thing, as the gentleman knows, but maybe the viewers do not, as a National Intelligence Estimate, and that is all of the information on a particular crisis that is drawn from all of the agencies that possess intelligence in the United States Government. That was done, and it was concluded in October of 2002.

Now, the President's State of the Union address was on January 28 of 2003, some 3 or 4 months later. Within that National Intelligence Estimate it has been reported, and we have no reason to disbelieve it, that there was significant expressions of doubt; that particularly the Department of State insisted on a footnote which said we have serious reservations about the credibility of this, and they were referring specifically to the securing of uranium from that west African country of Niger.

So let me ask this question of the gentleman from Illinois (Mr. EMANUEL), who served in the previous White House. Did President Clinton read the National Intelligence Estimates when he was faced with crises?

Mr. EMANUEL. Well, Madam Speaker, first of all, the National Intelligence Estimate is based on the National Security Intelligence Entities, the Defense Intelligence Entities, the CIA, and I think, if I am not mistaken, FBI contributes to that. So there are four separate entities that get funneled through to the National Security Council that then present that document.

Mr. DELAHUNT. Did President Clinton read it?

Mr. EMANUEL. There is no doubt he read those that were presented, and especially on the doorstep of war.

Mr. DELAHUNT. Then tell me how this President can have any doubt.

Mr. EMANUEL. In fact, I think it was mentioned, and I want to say one thing to our colleague from Washington, that not only did the President not read it, or it has been reported he did not read it, but I think it has also been reported, though I want to have enough doubt, a question mark about what I am going to say, that, in fact, the National Security Adviser said she did not read the whole report. I think that is also in that same story.

Mr. DELAHUNT. I find that unbelievable.

Mr. EMANUEL. Well, one would think on the doorstep of war one would read that. But I want to stress one thing about what our colleague from Washington mentioned. He said the President was certain about his opinion about the imminent danger of Iraq and Saddam Hussein, but the people around him in the agencies and departments had their questions. Yet the President was certain.

Again, I want to underscore this is not to relitigate why we went to war, this is to litigate how we got to war.

Not the Iraqi war. We are not going to relitigate that. We are in, and so we have to support our men and women. It is how that happened so this mistake does not happen again.

IRAQ WATCH

The SPEAKER pro tempore (Ms. HARRIS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for the remainder of the 60 minutes, approximately 5 minutes.

Mr. HOEFFEL. Madam Speaker, let me, in our final 5 minutes here, see who among us might like to make additional comments or perhaps quickly raise a new issue, and I think the gentleman from Hawaii (Mr. ABERCROMBIE) has something to say.

Mr. ABERCROMBIE. I do not want to raise a new issue, Madam Speaker, but I do want to reiterate the idea of inquiry and how important that is. Because what we are doing can easily be dismissed by those who want to color it with a brush that has politics all over it, and that is not what this is about. It is not about politics in the sense that we are trying to make some particularly partisan point.

I notice in the photographs coming from the rehabilitation wards right here in Washington, DC that the young men and women who have been grievously wounded are not identified as Republicans and Democrats or supporters of a particular policy or not. These are the people that have had to pay the price for other people's arrogance. These are the people that have had to pay the real price. We are not paying any price here.

We all know that someone else will occupy these slots one day. I learned that the first time I was elected when I went to the office to which I was assigned and I realized they slid the names off the door.

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They were not screwed on, painted on; they came right off the door. We occupy that only so long as we have the faith and trust of the people of this country. That is what is at stake here. That is what this inquiry is all about. Is our faith and trust being played fast and loose with? That is the issue that is involved. That is why I want to say that as far as I am concerned, we are going to continue these inquiries. This Iraq Watch I hope perhaps can come out into the country, maybe off the floor of the Congress and perhaps go elsewhere. I would be very pleased to take this inquiry perhaps into a town meeting-kind of context anywhere in the Nation so that we can break out of the stranglehold on opinion that is taking place right now. We cannot trust the national media to do it. They are in the grip of the people who own the networks. We cannot trust them. We have to trust the people out there. And so I hope that perhaps with Iraq Watch, we can go elsewhere and go directly to the people, and we can get streaming on the Internet and follow through and let people judge for themselves on the people's network that is out there.

Mr. HOEFFEL. I think that is a wonderful suggestion.

Mr. INSLEE. A brief comment. I went and visited with two Marines who had some pretty significant wounds at Bethesda awhile back serving in Iraq. One was crushed by a tank and one was shot. I just think that those gentlemen understood the value of democracy and what we are here today is to say the Congress needs to understand the value of democracy, and democracy does not work where the executive branch of the United States Government does not level with its own people. I have one question for our next week that I hope we would have answered. Why did the White House in the run-up to the war in Iraq not seek CIA approval before the President of the United States went to the Rose Garden and charged that Saddam Hussein could launch a biological or chemical attack within 45 minutes as administration officials now say? That is a question every American deserves an answer to, and the best way to do it is through Republicans and Democrats working together; and I hope this commission does that. I thank the gentleman from Pennsylvania for his leadership.

Mr. DELAHUNT. I thank the gentleman from Pennsylvania for his leadership. Let me echo the sentiments expressed by the gentleman from Washington. Unfortunately, this past week India stated that they would not provide a division of troops to help us win the peace. It is becoming clear that we are going alone, and maybe this is the problem of a particular brand of foreign policy. I know that we all are working together; we are in the process of drafting a letter to the President requesting that he go to the United Nations and seek a resolution internationalizing the security and reconstruction efforts in Iraq. I would hope all Americans would call our offices, would call the offices of our colleagues.

I would close with the words and the admonition of Tony Blair that was so eloquent in his speech this past week. He was speaking about the tensions between Europe and the United States. He said: ''Don't give up on Europe. Work with it. Europe must take on the anti-Americanism that sometimes passes for political discourse. And what America must do is show that partnerships must be based on mutual respect and persuasion, not on command. America must listen as well as lead. And then the U.N. can become what it should be, an instrument of action as well as debate.''

Mr. HOEFFEL. The Iraq Watch is alive and well. I thank the colleagues for being here this evening. We will be back next week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. BERKLEY (AT THE REQUEST OF MS. PELOSI) for today and July 24 on account of a death in the family.

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. GRIJALVA, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. WALDEN of Oregon, for 5 minutes, July 23.

Mr. FLETCHER, for 5 minutes, July 22, 23, and 24.

Mr. OSBORNE, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today and July 22.

Mr. GINGREY, for 5 minutes, today.

Mr. PENCE, for 5 minutes, July 22, 23, 24, and 25.

Mr. BURGESS, for 5 minutes, today.

Mr. CHOCOLA, for 5 minutes, July 23.

Mr. BEAUPREZ, for 5 minutes, July 22.

ADJOURNMENT

Mr. HOEFFEL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 22, 2003, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3278. A letter from the Administrator, Department of Agriculture, transmitting the

Department's final rule — Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Prune Plum Diversion Provisions [Docket No. FV03-993-2IFR] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3279. A letter from the Branch Chief, EBT-Benefit Redemption Divisor, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability [Amendment No. 384] (RIN: 0584-AC91) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3280. A letter from the Chief, Retailer Management Branch, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Administrative Review Requirements — Food Retailers and Wholesalers (RIN: 0584-AD23) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3281. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

3282. A letter from the Assistant General Counsel (Banking & Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA96) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3283. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2002, pursuant to Public Law 101—73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

3284. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3285. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3286. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3287. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7541] received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3288. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7624] received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3289. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3290. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Accuracy of Advertising and Notice of Insured Status — received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3291. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Occupational Injury and Illness Recording and Reporting Requirements [Docket Nos. R-02, R-02A, R-02B] (RIN: 1218-AC06) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3292. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting a report entitled ''Electronic Signatures: A Review of the Exceptions to the Electronic Signatures in Global and National Commerce Act''; to the Committee on Energy and Commerce.

3293. A letter from the Secretary of Commerce, Department of Commerce, transmitting the fifth annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

3294. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites (RIN: 1901-AA88) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3295. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Assignment of Agency Component for Review of Premarket Applications [Docket No. 2003N-0235] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3296. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Amendment to the Interim Final Regulation for Mental Health Parity [CMS-2152-F] (RIN: 0938-AL42) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3297. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Allowing Central Fill Pharmacies and Retail Pharmacies to Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies [Docket No. DEA-208F] (RIN: 1117-AA58) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3298. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Control of Red Phosphorus, White Phosphorus and Hypophosphorous Acid (and Its Salts) as List I Chemicals; Exclusions and Waivers [Docket No. DEA-198F2] (RIN: 1117-AA57) received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3299. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Fort Collins Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [CO-001-0072a; FRL-7522-1] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3300. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN157-1a; FRL-7517-5] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Georgia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7530-9] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3302. A letter from the Deputy Assoicate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State of California has Corrected Deficiencies and Stay and Deferral of Sanctions; San Francisco Bay Area [CA 258-0397(B); FRL-7528-9] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3303. A letter from the Deputy Associate Adminstrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Phase-out of Chlorobromomethane Production and Consumption [FRL-7529-4] (RIN: 2060-AJ27) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3304. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act [FRL-7530-4] (RIN: 2060-AF36) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3305. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Incorporation by Refernce of ASME BPV and OM Code Cases (RIN: 3150-AG86) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3307. A letter from the Administrator, Department of Energy, transmitting a report required by Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 entitled, ''Accelerated Strategic Computer Initiative Participant Computer Sales to Tier III Countries in Calendar Year 2002,'' no export transaction reported; to the Committee on International Relations.

3308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs; Amendment to the International Traffic in Arms Regulations: Partial Lifting of Embargo Against Rwanda (RIN: 1400-AB82) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3309. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3310. A letter from the Auditor, District of Columbia, transmitting a report entitled,

''Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 1st Quarter of Fiscal Year 2003''; to the Committee on Government Reform.

3311. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report for calendar year 2002, pursuant to 12 U.S.C. 2277a—13; to the Committee on Government Reform.

3312. A letter from the Chairman, Federal Maritime Commission, transmitting a Strategic Plan covering the program activities through fiscal year 2008; to the Committee on Government Reform.

3313. A letter from the Director, Office of Employment Policy, Office of Personnel Management, transmitting the Office's final ''major'' rule — VoluntaryEarly Retirement Under the Homeland Security Act of 2002 (RIN: 3206-AJ82) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3314. A letter from the Chairman, Federal Election Commission, transmitting the 2001 Annual Report describing the activities performed by the Commission, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

3315. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Librarian of Congress, for the fiscal year ending September 30, 2003, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3316. A letter from the Assitant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska during the 2003 Subsistence Season (RIN: 1018-AI84) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3317. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-242-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3318. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-228-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3319. A letter from the Associate General Counsel, USPTO, Department of Commerce, transmitting the Department's final rule — Revision of Patent Fees for Fiscal Year 2004 (RIN: 0651-AB60) received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3320. A letter from the Accounting Administrative Supervisor, National Society of the Daughters of the American Revolution, transmitting the report of the Audited Financial Statements of the Society for the fiscal year ended February 28, 2003, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

3321. A letter from the Acting Director, ODAPC, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting [Docket OST-03-] (RIN: 2105-AD14) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3322. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Commercial Space Transportation; Licensing Regulations [Amendment No. 401-3, 404-2, 413-5] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3323. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No. FAA-2003-15431; Special Federal Aviation Regulation No. 100] (RIN: 2120-AH98) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3324. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules: Stern Anchors and Navigation Underway [Docket No. SLSDC 2003-15136] (RIN: 2135-AA18) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3325. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water [FRL-7529-7] (RIN: 2040-AD71) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3326. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 108—103); to the Committee on Standards of Official Conduct and ordered to be printed.

3327. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities: Call for Large Position Reports — received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3328. A letter from the Secretary, Department of Health and Human Services, transmitting a biennial report on evaluation, research and technical assistance activities supported by ''The Promoting Safe and Stable Families Program,'' pursuant to Public Law 107—133; to the Committee on Ways and Means.

3329. A letter from the Cheif, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Expansion of the Port Limits of Portland, Maine [CBP Dec. 03-08] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3330. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Customs and Border Protection Field Organization; Fargo, North Dakota [CBP Dec. 03-09] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3331. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deadline for an Issuing Authority to Assign Private Activity Bond Volume Cap to Another Issuing Authority Under Section 146 [Notice 2003-42] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3332. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Transfers of Compensatory Options [TD 9067] (RIN: 1545-BC21) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report replaces a report filed on July 18, 2003]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 288. Resolution directing the Secretary of Transportation 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 (Rept. 108–220). Referred to the House Calendar.

[Submitted on July 21, 2003]

Mr. WOLF: Committee on Appropriations. H.R. 2799. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–221). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 2800. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–222). Referred to the Committee of the Whole House on the State of the Union.

Mr. COX: Select Committee on Homeland Security. House Resolution 286. Resolution directing the Secretary of Homeland Security 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. 108–223). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement (Rept. 108–224 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on Ways and Means. H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement (Rept. 108–225 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 326. Resolution providing for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–226). Referred to the House Calendar.

Mr. DIAZ-BALART, L.: Committee on Rules. House Resolution 327. Resolution providing for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–227). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2738. Referral to the Committee on the Judiciary extended for a period ending not later than July 22, 2003.

H.R. 2739. Referral to the Committee on the Judiciary extended for a period ending not later than July 22, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FORBES (for himself, Mr. TOWNS, Mr. ROGERS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. JOHN, Mr. VITTER, Ms. JACKSON-LEE of Texas, Mr. WELLER, Mr. SCOTT of Virginia, Mr. CANTOR, Mr. HINOJOSA, Mr. BAKER, Ms. LEE, Mr. FERGUSON, and Mr. OWENS):

H.R. 2801. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself and Ms. VELAZQUEZ):

H.R. 2802. A bill to reauthorize the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. ROYCE:

H.R. 2803. A bill to establish the Office of Housing Finance Oversight in the Department of the Treasury to ensure the financial safety and soundness of Fannie Mae, Freddie Mac, and the Federal home loan banks; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2804. A bill to make supplemental appropriations for fiscal year 2003 to ensure the inclusion of commonly used pesticides in State source water assessment programs, and for other purposes; to the Committee on Appropriations.

By Mr. CASE:

H.R. 2805. A bill to allow the counties of Hawaii, Maui, and Kauai to distribute grant funds received under section 106(d) of the Housing and Community Development Act of 1974, and for other purposes; to the Committee on Financial Services.

By Mr. KOLBE (for himself, Mr. RENZI, Mr. PASTOR, Mr. HAYWORTH, Mr. SHADEGG, Mr. FLAKE, Mr. FRANKS of Arizona, and Mr. GRIJALVA):

H.R. 2806. A bill to name the Department of Veterans Affairs Medical Center in Prescott, Arizona, as the ''Bob Stump Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. KOLBE (for himself, Mr. FILNER, Mr. GRIJALVA, Mr. PASTOR, and Mr. REYES):

H.R. 2807. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE (for himself, Mrs. EMERSON, Mrs. LOWEY, Mr. HEFLEY, Mr. FROST, Mr. CUNNINGHAM, Mr. RANGEL, Mr. BEREUTER, Mr. SKELTON, Mr. BACHUS, Mr. HOYER, Mrs. BONO, Mr. WU, Mr. ENGLISH, Mr. LARSON of Connecticut, Mr. ISSA, Mr. LYNCH, Mr. JONES of North Carolina, Mr. BOSWELL, Mr. KING of New York, Mr. CLAY, Mr. LINDER, Mr. ROSS, Mr. NEY, Mr. BAIRD, Mr. OSBORNE, Mr. SANDLIN, Mr. OTTER, Mr. FILNER, Mr. PICKERING, Ms. CARSON of Indiana, Mr. ALEXANDER, Mr. BELL, Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. UDALL of New Mexico, Mr. CARDOZA, Mr. NEAL of Massachusetts, Mrs. CAPPS, Mr. WEXLER, Mr. SPRATT, Mr. HONDA, Ms. MCCARTHY of Missouri, Mr. EDWARDS, Mr. STENHOLM, Mr. TAYLOR of Mississippi, Mr. TANNER, Mr. CRAMER, Mr. KLECZKA, Ms. SLAUGHTER, Mr. NADLER, Mr. MICHAUD, Mr. ABERCROMBIE, Mr. WYNN, Mr. CLYBURN, Ms. MAJETTE, Mr. HOLT, Mr. SCOTT of Virginia, Mr. MATHESON, Mr. ANDREWS, Mr. BECERRA, Mr. WEINER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SANCHEZ of California, Mr. EMANUEL, Mrs. MALONEY, Mr. ORTIZ, Ms. WOOLSEY, Mr. HALL, Mr. BROWN of Ohio, Mr. COOPER, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. STUPAK, Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. MATSUI, Mr. KANJORSKI, Mr. RAHALL, Mr. FORD, Mrs. TAUSCHER, Mr. LAMPSON, Mr. MCNULTY, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. SCHIFF, Mr. KIND, Mr. HOEFFEL, Mr. BERRY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. GUTIERREZ, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. LOFGREN, Mrs. MCCARTHY of New York, Mr. MILLER of North Carolina, Mr. BACA, Mr. DAVIS of Alabama, Ms. LORETTA SANCHEZ of California, Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. PASTOR, Mr. REYES, Mr. SCOTT of Georgia, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. INSLEE, Ms. SOLIS, Mr. STRICKLAND, Mr. UDALL of Colorado, Mr. CARSON of Oklahoma, Ms. VELAZQUEZ, and Mr. ACKERMAN):

H.R. 2808. A bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PITTS:

H.R. 2809. A bill to establish a pilot program of Central Asian scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. PITTS:

H.R. 2810. A bill to establish a pilot program of Afghanistan scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. THOMPSON of Mississippi (for himself, Mrs. CHRISTENSEN, Mr. PETERSON of Minnesota, Mr. CONYERS, Mr. ETHERIDGE, Mr. TOWNS, Mr. FROST, Ms. MILLENDER-MCDONALD, and Mr. THOMPSON of California):

H.R. 2811. A bill to assist local educational agencies in providing financial incentives to attract teachers to teach in rural and high-poverty areas; to the Committee on Education and the Workforce.

By Mr. WHITFIELD:

H.R. 2812. A bill to direct the Administrator of the Environmental Protection Agency to conduct a study of the potentially injurious effects to the environment and human health from imported electrolytic manganese metal that contains selenium; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. VISCLOSKY):

H. Res. 328. A resolution requesting the World Trade Organization (WTO) to investigate the cause of the WTO's confidential interim report with respect to the March 2002 United States steel safeguard measure being widely leaked to the media; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Ms. GRANGER.

H.R. 110: Mr. WELDON of Florida and Mr. GIBBONS.

H.R. 328: Mr. WOLF, Mr. CALVERT, and Mr. STENHOLM.

H.R. 490: Mr. SABO.

H.R. 528: Mr. BILIRAKIS, Mr. KILDEE, Mr. CUNNINGHAM, Ms. LINDA T. SANCHEZ of California, and Mrs. KELLY.

H.R. 539: Ms. LOFGREN.

H.R. 709: Mr. SCHIFF.

H.R. 813: Ms. BALDWIN.

H.R. 822: Mrs. MALONEY, Mr. UDALL of Colorado, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. MCGOVERN, and Mr. PAYNE.

H.R. 882: Mr. TURNER of Texas.

H.R. 898: Mr. DOYLE and Mr. KING of New York.

H.R. 980: Ms. LOFGREN and Ms. LINDA T. SANCHEZ of California.

H.R. 997: Mr. AKIN, Mr. SHIMKUS, Mr. WHITFIELD, and Mr. PICKERING.

H.R. 1005: Mr. DEAL of Georgia.

H.R. 1130: Mr. SPRATT.

H.R. 1132: Mr. BISHOP of Georgia, Mr. FROST, Mr. PAUL, Ms. CARSON of Indiana, Mr. FALEOMAVAEGA, Ms. MILLENDER-MCDONALD, Mr. OWENS, and Mr. MCGOVERN.

H.R. 1155: Mrs. LOWEY, Ms. VELAZQUEZ, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. UPTON, Mr. TERRY, Mr. MCDERMOTT, and Ms. DUNN.

H.R. 1225: Mr. DOGGETT.

H.R. 1233: Mr. AKIN.

H.R. 1305: Mr. NUSSLE and Mrs. BONO.

H.R. 1310: Mr. DAVIS of Tennessee and Mr. CRAMER.

H.R. 1355: Ms. WOOLSEY, Ms. BALDWIN, and Mr. BERMAN.

H.R. 1388: Mr. THOMPSON of California.

H.R. 1472: Mr. ANDREWS.

H.R. 1605: Mr. MCDERMOTT, Mr. SCHIFF, Ms. LEE, and Mr. HONDA.

H.R. 1628: Mr. JONES of North Carolina.

H.R. 1655: Mr. ABERCROMBIE.

H.R. 1660: Mr. KOLBE.

H.R. 1663: Ms. DELAURO.

H.R. 1673: Mr. THOMPSON of Mississippi.

H.R. 1684: Mr. WALSH and Ms. BALDWIN.

H.R. 1708: Mr. PICKERING and Mr. COBLE.

H.R. 1758: Mr. ACEVEDO-VILA and Mr. LATOURETTE.

H.R. 1787: Mr. PLATTS.

H.R. 1856: Mr. SCHIFF, Mr. LEVIN, Mr. PUTNAM, Ms. HARRIS, Mr. LIPINSKI, Mr. BURR, Mr. DELAHUNT, Mr. KLINE, Mrs. DAVIS of California, Mr. HONDA, and Mr. KIND.

H.R. 1943: Mrs. MUSGRAVE.

H.R. 1985: Ms. WATERS.
H.R. 2032: Mr. COLE.
H.R. 2130: Mr. FERGUSON.
H.R. 2181: Mr. DINGELL and Ms. KAPTUR.
H.R. 2239: Mr. CASE, Mr. DAVIS of Illinois, Mr. FARR, Mrs. JONES of Ohio, Mr. WYNN, and Mr. FATTAH.
H.R. 2256: Ms. LINDA T. SANCHEZ of California.
H.R. 2268: Mrs. DAVIS of California.
H.R. 2303: Mrs. JO ANN DAVIS of Virginia.
H.R. 2309: Ms. PELOSI.
H.R. 2318: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2323: Mr. LEVIN.
H.R. 2340: Mr. GARRETT of New Jersey and Mr. PUTNAM.
H.R. 2379: Mr. MOORE and Mr. SHIMKUS.
H.R. 2504: Mr. GOODE.
H.R. 2505: Ms. LINDA T. SANCHEZ of California.
H.R. 2511: Mr. ROSS.
H.R. 2527: Ms. VELAZQUEZ and Ms. BALDWIN.
H.R. 2563: Mr. PAYNE and Mr. MENENDEZ.
H.R. 2581: Mr. WOLF.
H.R. 2582: Ms. LOFGREN, Mr. FROST, Mr. SERRANO, Mr. GRIJALVA, Mr. CUMMINGS, and Mr. PAYNE.
H.R. 2622: Mr. MICA and Mr. SHAYS.
H.R. 2630: Ms. BORDALLO.
H.R. 2635: Mr. TERRY, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. GARRETT of New Jersey, and Mr. WELDON of Florida.
H.R. 2670: Ms. SCHAKOWSKY.
H.R. 2705: Mr. ROSS.
H.R. 2717: Ms. SCHAKOWSKY, Mr. KILDEE, and Mr. FROST.
H.R. 2718: Mr. GREEN of Texas, Ms. SCHAKOWSKY, and Ms. MILLENDER-MCDONALD.
H.R. 2722: Mr. CRAMER.
H.R. 2727: Mr. LANGEVIN, Mr. LARSEN of Washington, and Mr. INSLEE.
H.R. 2735: Mr. BLUNT and Mrs. WILSON of New Mexico.
H.R. 2760: Mr. ROYCE.
H.R. 2791: Mr. HOEFFEL and Mr. FROST.
H.R. 2797: Mr. SCOTT of Georgia and Mr. SCHROCK.
H. Con. Res. 87: Mr. FILNER.
H. Con. Res. 98: Mr. BAKER.
H. Con. Res. 245: Mr. ENGEL.
H. Res. 304: Mr. WEXLER.
H. Res. 323: Mr. SIMMONS.

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. LEWIS of California.
H.R. 2575: Mr. SCOTT of Georgia.
H.R. 2789: Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2799

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

H.R. 2799

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 2: At the end of the bill (before the title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act to the Federal Communications Commission may be expended to grant, transfer, or assign any license for any broadcast station if—

(1) the party (including all parties under common control) to which such license would be granted, transferred, or assigned directly or indirectly owns, operates or controls a daily newspaper and the grant, transfer, or assignment of such license will result in:

(A) the predicted or measured 2 mV/m contour of an AM station, computed in accordance with 47 CFR 73.183 or 73.186, encompassing the entire community in which such newspaper is published;

(B) the predicted 1 mV/m contour for an FM station, computed in accordance with 47 CFR 73.313, encompassing the entire community in which such newspaper is published; or

(C) the Grade A contour of a TV station, computed in accordance with 47 CFR 73.684, encompassing the entire community in which such newspaper is published; or

(2) as a result of such grant, transfer, or assignment an entity would directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity), unless—

(A) the Grade B contours of the stations (as determined by 47 CFR 73.684) do not overlap; or

(B)(i) at the time the application to acquire or construct the station is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) at least 8 independently owned and operating, full-power commercial and noncommercial TV stations would remain postmerger in the television market in which the communities of license of the TV stations in question are located and—

(I) count only those stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination; but

(II) in areas where there is no Nielsen DMA, count the TV stations present in an area that would be the functional equivalent of a TV market and count only those TV stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to extend a visa issued pursuant to section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act more than 8 times.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 5: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Notwithstanding section 214(c)(1)(C) and section 286s of the Immigration and Nationality Act or any other provision of law, amounts from fees pursuant to the issuance of visas under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act shall be used as follows:

(1) 4 percent shall be used for the processing of visas for nonimmigrant status under section 101(a)(15)(H)(i)(b1) of the Immigration and Nationality Act.

(2) The remainder shall be used as additional resources for accelerating the processing by consular officers of other nonimmigrant visa applications.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO.6: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act may be used to prohibit the study of the issue of implementing ''good time'' for persons incarcerated for non-violent crimes in the Federal prison system.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 7: At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of State to prohibit any organization, project, or activity from promoting the participation of women in international peace efforts, particularly in Africa and the Middle East.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to prohibit the Administrator of the Small Business Administration from providing technical assistance to small business concerns participating in the rebuilding of Iraq and Afghanistan.

H.R. 2799

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act may be used to destroy or conceal

physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for the period beginning May 11, 2003, and ending May 16, 2003.

H.R. 2799

OFFERED BY: MR. PAUL

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO UNESCO

SEC. ____. None of the funds made available in this Act may be made available for the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

H.R. 2799

OFFERED BY:: MR. SANDERS

AMENDMENT NO. 11: 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 make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of tangible things from a bookseller or library (as defined under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)).

H.R. 2799

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to engage in negotiations the purpose of which is to enter into a trade agreement with another country and in which provisions on the temporary entry of professionals are offered or accepted by a representative of the United States.

H.R. 2799

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to engage in negotiations respecting a trade agreement with another country which creates or expands a nonimmigrant visa category authorizing the temporary entry of professionals into the United States.

H.R. 2800

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: 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 $171,000,000.

H.R. 2800

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: In the item relating to ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'', after the first dollar amount insert the following: ''(reduced by $400,000)''.

H.R. 2800

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 3: At the end of the bill (before the short title) insert the following:

LIMITATION ON ASSISTANCE FOR ANY COUNTRY THAT REPRESENTS ITSELF AS MACEDONIA

SEC. ____. None of the funds made available in this Act under the heading ''FOREIGN MILITARY FINANCING PROGRAM'' may be made available for assistance for the government of a country that has concluded an agreement with the United States Government under which it represents itself to the United States Government as Macedonia.

H.R. 2800

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 4: In the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'', after the first dollar amount insert ''(reduced by $40,000,000)''.

In the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the first dollar amount insert ''(reduced by $35,000,000)''.

H.R. 2800

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 5: In the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the first dollar amount insert ''(increased by $75,000,000)''.

In the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'', after the first dollar amount insert ''(reduced by $40,000,000)''.

In the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the first dollar amount insert ''(reduced by $35,000,000)''.

H.R. 2800

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 6: In the item relating to ''DEVELOPMENT ASSISTANCE'', after the first dollar amount insert ''(increased by $75,000,000)''.

In the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'', after the first dollar amount insert ''(reduced by $40,000,000)''.

In the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the first dollar amount insert ''(reduced by $35,000,000)''.

H.R. 2800

OFFERED BY: MR. PAUL

AMENDMENT NO. 7: At the end of the bill (before the short title) insert the following:

RESTRICTION ON OPIC FINANCING AND INSURANCE

SEC. 578. None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to issue any contract of insurance or reinsurance or any guaranty, or to enter into any agreement to provide financing, in connection with a project undertaken or to be undertaken in a country which exported more than 20,000,000 pounds of shrimp to the United States in the first 6 months of calendar year 2002, until 3 months after the foreign country has reduced its shrimp exports to the United States to less than 3,000,000 pounds per month for a period of 3 consecutive months.

RESTRICITON ON EXPORT-IMPORT BANK ASSISTANCE

SEC. 579. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service to any foreign country which exported to the United States more than 20,000,000 pounds of shrimp in the first 6 months of calendar year 2002, until 3 months after the foreign country has reduced its shrimp exports to the United States to less than 3,000,000 pounds per month for a period of 3 consecutive months.

H.R. 2800

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

INDEPENDENT COMMISSION ON WEAPONS OF MASS DESTRUCTION IN IRAQ

SEC. ____. None of the funds made available in this Act may be used to prohibit the establishment of an independent commission to study the basis of the determination of the existence of weapons of mass destruction in Iraq, including any written or oral statements as to the recent purchase by Iraq of uranium in Africa.

H.R. 2800

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

TECHNICAL ASSISTANCE FOR IMPROVED MEANS OF CROP PRODUCTION AND WATER PURIFICATION IN FAMINE STRICKEN AREAS OF AFRICA

SEC. ____. None of the funds made available in this Act may be used to limit any added technical assistance to Ethiopia and other famine stricken regions in Africa as to improved means of crop production and water purification.

H.R. 2800

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

PARTICIPATION OF WOMEN IN INTERNATIONAL PEACE EFFORTS

SEC. ____. None of the funds made available in this Act may be used to prohibit projects in which agencies promote the participation of women in international peace efforts, specifically peace efforts in Africa and the Middle East.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, MONDAY, JULY 21, 2003 No. 108

Senate

The Senate met at 1 p.m. and was called to order by the Hon. ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Let us pray.

O God, who gives us songs in the night, we thank You for Your promises that cannot fail. You are a God of wonders and Your mercies are new every morning. Lord, You have worked in our Nation's history, doing for us what we could not accomplish with our own strength. Help us never to fear the future because we can remember how You have led us in the past. Lead our Senators today like a shepherd cares for a flock. Lord, let peace radiate in our world on wings of faith, hope, and love. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 2003.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BENNETT thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until the hour of 1:30, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business until 1:30 p.m. At 1:30, the Senate will begin consideration of the Homeland Security appropriations bill. As I mentioned—I think it was Thursday night of last week—this appropriations bill will for the first time be considered on this floor. So this is a new initiative for us. I look forward to handling that expeditiously this week in a thoughtful and deliberate way. These are very important issues before this body.

I announced previously we will not have rollcall votes today. Having said that, I encourage Members to come to the floor and proceed with their opening statements on the Homeland Security bill. Any amendment that is offered today can be debated throughout the day with a vote to occur during Tuesday's session at a time determined later.

Once again, I encourage Members who desire to offer amendments to the Homeland Security bill to contact Senator COCHRAN or the ranking member. I hope we can pass this legislation early this week and then continue with the other appropriations bills. With only 2 weeks remaining prior to the scheduled recess, we need to address as many of the appropriations bills as possible this week. As previously stated, during the last week, which is next week, we will be addressing and completing action on the Energy bill.

Last week, I discussed with the other side of the aisle the possibility of having a filing deadline for amendments to the Energy bill. I continue to hope that the objection on the Democratic side will be lifted and that we can allow Chairman DOMENICI and the ranking member to look at the legislative language of these amendments.

We first brought Energy to the floor now several months ago. It was May 6. We have had 12 days on the floor. We have a list of amendments by title. Now is the time to narrow that list, to look at the legislative language.

One of the purposes of setting aside this week at the end of this month so far in advance was that those actions and deliberations could be taken by our colleagues so we could best use the time on the floor of the Senate in a focused way and in a way that respects people's time broadly but allows adequate discussion, debate, amendment, and completion of this bill.

I do want to take a moment to congratulate the chairman of the Appropriations Committee. Last week, he made significant progress on the appropriations process, but obviously there is a lot of work to be done. I am confident that Senator STEVENS will continue along this road. He is clearly up to the task and will complete these bills in a timely fashion.

In addition to the three appropriations bills that the Senate passed last week, we were also able to continue to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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work on a number of other important issues. Senator MCCONNELL helped in ensuring that the Senate passed H.R. 2330, the Burma sanctions bill. That bill has now been cleared for the President's signature.

The Senate also passed S. 764, Senator CAMPBELL's bill to extend the authority for the Bulletproof Vest Partnership Grant Program.

The Senate was also able to act on a number of Energy Committee bills, including S. 470, which extended the authority for the construction of a memorial for Martin Luther King, Jr.

I look forward to a productive couple of weeks before our recess as we address the appropriations bills, energy bills, and other legislative and executive items that can be cleared.

SPAM

Mr. FRIST. Mr. President, I would like to move to another subject, one that is brought to my attention on a daily basis. In fact, every time I turn on my computer, it is there, staring me in the face. It is this whole issue of spam.

One of my sons had not answered his e-mails; he had been away, in Bartlett, back in Tennessee. He came and turned his computer on and there were 300 e-mails waiting for him. He said only 40 of the 300 e-mails—this was just last night—40 of the 300 e-mails were e-mails actually sent to him by somebody he knew in the sort of discussion that we know e-mail is all about; that is, to stay in touch with family and friends and communicate effectively. The other approximately 250 or 260 e-mails were unsolicited e-mails that had been sent to him.

It reminded me of a letter I received from a constituent, a 73-year-old grandmother from Vonore, TN. That letter reads as follows:

DEAR SENATOR FRIST: My niece gave me a computer in 2001. It has been a delight to e-mail. At age 73, there is a tendency to feel the world has moved ahead of you, and no one wants to be left behind. Now I wonder if left behind would not be better.

I started getting e-mail titles that horrified me. I have been unable to find out where it comes from or how to stop it. I communicated with my niece, who is Executive Assistant to the only female Judge in Alabama, and she tells me they also have had the experience. She sent me an article from the Mobile paper that would indicate many people are becoming outraged at the practice. I urge you to be one of them.

Mary's letter continues. There are two more paragraphs. Third paragraph:

I do understand the need for free speech, but this goes way beyond the bounds of decency. I am appalled to think our young people are subjected to such an onslaught of trash. There is no way they can be protected at this point if a grandmother, whose e-mail address clearly identifies her as such, is not.

If a child buys alcohol, tobacco, Playboy or Hustler at the local market, it is a crime. Yet in their own home they are not being protected. Could you craft a law that would prosecute anyone who sent unsolicited indecent or vulgar mail into our homes?—Sincerely, Mary K. Barnwell.

This letter is just one of many that I could have read which constituents have sent me. I mentioned my own son's experience, experience we all have had, the inconvenience, and the offensive nature with which these e-mails are sent and received.

The answer to Mary's question clearly is, yes; we can craft a law that will punish individuals who flood our homes with indecent, unsolicited, and endless streams of spam. International Magazine reports in its most current issue that the millions of spam e-mails that are clogging up our computers are sent out by only a handful of individuals. These spammers call e-mail addresses from chat rooms, from Web pages, from news groups, from message boards, and from e-mail service directories to set up their spamming operations. They even sent out e-mails to random number and letter combinations to look for hits. When they get a hit, it is a matter of minutes before the spam starts pouring in.

Spammers, as we all know, often deliberately target children. They capture e-mail addresses from sites that are typically used by kids, and then they inundate these young victims with offers of free toys, of video games, and contests. But when the child clicks to enter, they are again rerouted to a 900-number modem connection. A dialer is automatically loaded onto the child's system, and unbeknownst to the child they are racking up $3.99 per minute until they sign off. You can imagine the parents' shock and anger when that phone bill arrives.

In other instances, the child might click on the free toy offer. They might get rerouted through a pornography site. When they try to exit, pornography screens pop up to block their retreat.

Some spammers send e-mail in the old-fashioned way. The perpetrator sends an enticing e-mail—an offer, for example, for action figures. The hook? The child has to enter a credit card to get the toy. Mom and dad's credit card information goes in and thousands of credit card dollars go out.

As we all know, as parents it is hard to keep close tabs on a child's Internet activity. Many kids have multiple e-mail addresses among various free Web sites. Multiple e-mail addresses means multiple routes for spam, not to mention the unsavory and dangerous Internet communication.

That is why in this body we need to address the problem and start helping parents filter out this irritating and indeed potentially financially ruinous junk. Indeed, in the Senate, we will take action to protect the millions of Americans who have used the Internet the positive way for which it was intended—to talk, to communicate, to stay in touch with loved ones, to shop and to talk to families and friends with good intent. We simply should not be hassled by fraudulent sales pitches. We simply should not have to put up with being pelted with pornographic material when we simply sign on to read e-mail. Aggressive spamming is a menace. It is threatening an otherwise miraculous and indeed revolutionary form of communication. We simply cannot and should not let a few nefarious individuals spoil it for us all.

I bring this issue up in part because my son mentioned last night what happened to him when he turned on his computer and there was the spam laid out in over 250 e-mails sent to him over a period of several weeks, and in part because we all see it each and every time we turn on our computer.

I look forward to working with my colleagues to address this problem, and indeed to help America's families and Internet users put a stop to this spam.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Are we currently in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I want to first say to the distinguished majority leader that I was privileged to be here for part of the comments on the floor. As usual, today he brings to the floor of the Senate a tremendously difficult issue confronting the American people. What he spoke of in terms of spam and our kids is a tough one. We have to solve it. I believe his response to his own question about whether it can be solved is that it can be solved. It is going to be tough. I hope we can get some good Senators to put their shoulders to it and see what we can do about getting it stopped.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1432 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

WAR WITH IRAQ

Mr. DOMENICI. Mr. President, Democrats—not all, but some, predominantly those running for President of the United States—have questioned United States intelligence and war with Iraq based on 16 words. Republicans have made a comprehensive case based on facts, recent history, and protecting the American people. Democrats', in my opinion, politically motivated case, questions intelligence and a war with Iraq in the following words found in the address by the President:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

The case for going to war was not made by those words.

No. 1, it was made on the proposition of protecting the American people.

On a September morning, threats that had gathered for years, in secret and far away, led to murder in our country on a massive scale. As a result, we must look at our security in a new way, because our country is a battlefield in the first war of the 21st century. We learned a lesson: The dangers of our

time must be confronted actively and forcefully, before we see them again in our skies and in our cities. And we set a goal: we will not allow the triumph of hatred and violence in the affairs of men.

That is from a speech President Bush made to the American Enterprise Institute on February 26, 2003.

Possession of the world's most deadly weapons is the ultimate trump card. . . . Should we take the risk that [Saddam] will not someday use these weapons at a time and a place and in a manner of his choosing . . . ? The U.S. will not and cannot run that risk to the American people. That is not an option, not in a post-September 11 world.

That is from the presentation Secretary Powell made to the United Nations Security Council on February 5, 2003.

The second reason to go to war was the refusal to disarm:

Saddam Hussein has been under a duty to disarm for more than a decade. Yet he has consistently and systematically violated that obligation and undermined U.N. inspections. And he only admitted to a massive biological weapons program after being confronted with the evidence.

That is from a radio address to the Nation President Bush made on December 7, 2002.

The third reason to go to war was the refusal to allow weapons inspections:

Iraq has undermined the effectiveness of weapons inspectors with ploys, delays, and threats—making their work impossible and leading to four years of no inspections at all.

That is from a press conference President Bush gave on November 8, 2002.

The fourth reason to go to war was the use of biological and chemical weapons:

Now, what makes him even more unique is the fact that he's actually gassed his own people. He has used weapons of mass destruction on neighboring countries and he's used weapons of mass destruction on his own citizenry.

That is from a press conference President George Bush gave on October 21, 2002.

The fifth reason for going to war—chemical weapons:

We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, VX nerve gas. Saddam Hussein also has experience in using chemical weapons. He has ordered chemical attacks on Iran, and on more than forty villages in his own country. These actions killed or injured at least 20,000 people, more than six times the number of people who died in the attacks of September the 11th.

That is from President Bush's Cincinnati speech on October 7, 2002.

Earlier today, I ordered America's armed forces to strike military and security targets in Iraq. Their mission is to attack Iraq's nuclear, chemical and biological weapons programs and its military capacity to threaten its neighbors. Their purpose is to protect the national interest of the United States.

That is from a speech to the Nation by President Bill Clinton on December 16, 1998.

The sixth reason for going to war—biological weapons:

It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount. This is a massive stockpile of biological weapons that has never been accounted for, and capable of killing millions.

That is from President George W. Bush's Cincinnati speech on October 7, 2002.

Although criticizing the Bush Administration for its ''sudden burst of urgency'' to go after Saddam, he did not dispute the Iraqi dictator's possession of prohibited weapons and stated on September 23, 2001: ''We know that he has stored secret supplies of biological and chemical weapons throughout his country.''

That is from the Washington Times of June 4, 2003.

No. 7, concealed WMD production:

In 2001, an Iraqi defector, Adnan Ihsan Saeed al-Haideri, said he had visited twenty secret facilities for chemical, biological and nuclear weapons. Mr. Saeed, a civil engineer, supported his claims with stacks or Iraqi government contracts, complete with technical specifications. Mr. Saeed said Iraq used companies to purchase equipment with the blessing of the United Nations—and then secretly used the equipment for their weapons programs.''

This came from ''A Decade of Deception and Defiance,'' a briefing document to accompany President George W. Bush's speech to the U.N., September 12, 2002.

No. 8, Saddam Hussein's atrocities:

The government continues to execute summarily alleged political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations.''

This came from ''A Decade of Deception and Defiance,'' a briefing document to accompanying President George W. Bush's speech to the U.N., September 12, 2002.

No. 9, links to terrorists:

Iraq shelters terrorist groups including the Mujahedin-e-Khalq Organization (MKO), which has used terrorist violence against Iran and in the 1970s was responsible for killing several U.S. military personnel and U.S. civilians; the Palestine Liberation Front (PLF), which is known for aerial attacks against Israel and is headed by Abu Abbas, who carries out the 1985 hijacking of the cruise ship *Achille Lauro*; and the Abu Nidal Organization, an international terrorist organization that has carried out terrorist attacks in twenty countries, killing or injuring almost 900 people.

This came from ''A Decade of Deception and Defiance,'' a briefing document to accompany President George W. Bush's speech to the U.N., September 12, 2002.

No. 10, peace and stability in the Middle East:

And there is no doubt that his aggressive regional ambitions will lead him into future confrontations with his neighbors—confrontations that will involve both the weapons he has today, and the ones he will continue to develop with his oil wealth.

This was Vice President Cheney in a speech to VFW convention, August 26, 2002.

No. 11, nuclear weapons:

The evidence indicates that Iraq is reconstituting its nuclear weapons program. Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his ''nuclear mujahideen''—his nuclear holy warriors. Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past. Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons.

This was President George W. Bush, the Cincinnati speech, October 7, 2002.

On the nuclear question, many of you will recall that Saddam's nuclear ambitions suffered a severe setback in 1981 when the Israelis bombed the Osirak reactor. They suffered another major blow in Desert Storm and its aftermath.

This was Vice President Cheney in a speech to VFW convention, August 26, 2002.

There is no doubt in my mind that these and many more are the reasons we went to war. These and many more are the reasons Americans supported the war. These and many more are the reasons they still support the war. These and many more are the reasons they hope this war ends in a successful peace. These reasons and many more, not the 26 words that are being argued about, are the reasons Americans supported our President in the war, supported our troops in the war, support both of them today, and support both in a genuine American hope that peace will ensue.

Already there are some fruits of this effort in the Middle East. We hadn't seen for a long time the meetings between the Israelis and the Palestinians that we have been seeing. This war had something to do with that. Let's hope it is the beginning of peace.

I yield the floor.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate now will proceed to consideration of H.R. 2555, the Homeland Security appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The chairman of the subcommittee, the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to present for the Senate's consideration today the fiscal year 2004 Department of Homeland Security Appropriations Act.

This bill provides appropriations for the first time directly to the new Department of Homeland Security which was created by law last November. The September 11, 2001 attacks on the World Trade Center in New York City and the Pentagon here in Washington dramatically illustrated the need for more effective protection of our homeland.

On March 1 of this year, this new Department of Homeland Security was formally established. Its mission is to reorganize the Federal Government's

efforts to prevent terrorist attacks, to reduce the vulnerability of the United States to terrorism, and to deal more effectively with the damages that are caused by natural disasters as well.

The Department has administrative control over and responsibility for 22 previously existing Federal agencies and an estimated 180,000 employees.

The bill we present today provides total new budget authority for fiscal year 2004 of $29.326 billion to fund the Department. In addition, an estimated $4.8 billion in collections from immigration services and from air passenger and carrier fees paid by the users will be available to the Department for fiscal year 2004.

This bill is $1 billion over the President's budget request. The bill recommends that this additional amount of money be used to increase funding to assist State and local first responders, to enhance aviation security, to better protect critical infrastructures, to more effectively secure our ports and waterways, to hire and train additional border investigators and inspectors, and to establish the surveillance capability to protect our northern border.

As the Presiding Officer well knows, this is a big country. You cannot possibly build a wall around it. We have over 95,000 miles of coastline. The northern border of our country stretches a distance of 5,500 miles. Our southern border with Mexico is approximately 2,000 miles in length, all present very real and very important challenges to the security protection effort of our homeland.

For fiscal year 2003, and with the additional appropriations recommended by this bill for fiscal year 2004, Congress will have provided over $3 billion for the security of our Nation's ports and waterways and over $10 billion for security of all sectors of transportation through the Transportation Security Administration.

Through the firefighter assistance and Office of Domestic Preparedness grant programs alone, the Congress will have provided almost $9 billion since September 11, 2001, to enhance the capacity of the Nation's first responders.

To further explain part of the uses that are expected by the committee for these funds, I invite the attention of the Senate to page 9 of the committee's report that we have submitted to accompany this bill. It says, ''Pursuant to the President's National Strategy for Homeland Security, the Secretary is to provide to the Committee, no later than April 30, 2004, a report that updates the progress that is made to: clearly define standards and guidelines for Federal, State, and local government emergency preparedness and response in such areas as training, interoperable communications systems, and response equipment; an estimate of the costs of the unmet needs of State and local governments for fiscal years 2004—2008 in meeting those standards and guidelines.''

This illustrates the fact that, first of all, we know you cannot transform our country's homeland security infrastructure overnight; it is going to take time. This bill marks the beginning of the effort and a response to the President's call for the strengthening of our homeland security capability through the establishment of a new Department, which was undertaken by Congress through its legislative committees that actually wrote the law that provided the legal authority for this new Department to begin its work. This bill provides the money the Department needs. It is not all the money that can be spent. It is not all the money that everybody suggests is needed. But it is a very important and generous investment in the effort to begin the work that has to be done to reach the goals we all share.

As the Committee report suggests it is going to take a while, too, for local governments and local responders to upgrade their capabilities, through training, through exercises, through new state-of-the-art equipment and communications equipment, and other assets that are necessary to fully reach our goals. Working together with a better sense of cooperation between State, local, and Federal Government agencies, I am confident that we are going to see a dramatic improvement made. This is another positive step forward.

I am hopeful that Senators will appreciate the fact that we want to hear their advice. We had hearings where we not only heard other Senators' suggestions about steps that ought to be taken and the dollar amount of funds that ought to be appropriated, but we also heard from administration officials whose job it is to manage this new Department. We had a series of six hearings on these subjects. The Homeland Security Act established four new directorates under the auspices of the Department of Homeland Security and its Secretary. Agencies were reorganized, such as the Customs Service. Some disappeared, such as the Immigration and Naturalization Service. However, the components and activities of that previous agency are included under the control and authority of the new Department in a way that we hope will make it a more effective organization and those agencies better able to do their job.

But the challenges are quite enormous, as we all recognize. There have been, in the course of our hearings, discoveries made of the challenges, in terms of how many people there are to keep up with who are undocumented aliens within the United States, for example. That number has increased from 3 million in 1990 to an estimated 9 million now. Forty percent of those people originally gained entry into the United States legally, but they never left when either the time expired for their visa or the end of the legal authority of their presence came about. Attempting to identify and track those people, some of whom may be threats to our security and many of whom may not be threats to our national security, illustrates the challenges we face.

We are embracing in this bill the development of new technologies to help us identify, through automation and new technologies, friendly vessels that come close to our shores, that enter our ports, in a way that you can automatically know whether this ship is certified and licensed to enter that port or not.

The Coast Guard is included as a complete entity within the new Department of Homeland Security and is taking on new roles. So we have our challenge from the President to support these efforts. I think Congress is responding, as it should, with a generous bill for appropriations of funds needed to start this Department off on its way.

We will continue to monitor the use of these funds, as we suggested in the report. We are going to require to be kept advised of the progress made to achieve the goals. We will have oversight hearings. If we see there are needs that arise that have not been funded, we will bring those to the attention of the Senate. Working with our friends in the House, we will go to conference with the House upon the passage of this bill and work out the differences between our two bills and present the final result to the President for his signature.

I am hopeful that the Senate will support this bill. I am confident it will help achieve our goal of a strengthened and much-improved homeland defense against terrorism and natural disasters, as well.

Before I yield the floor, I would like to point out that I certainly appreciate and acknowledge the good assistance of the distinguished Senator from West Virginia, Mr. BYRD, who is the senior Democrat on the Appropriations Committee and who serves as the ranking Democrat of this subcommittee, for his cooperation and support during the committee's consideration and development of this bill.

The following is a detailed summary of the bill's major funding recommendations.

For security, enforcement, and investigations activities of the Department funded under Title III of the bill, $19.5 billion is recommended. Included in this amount is a total of $8.1 billion for the Department's two new bureaus—the Bureau of Customs and Border Protection, and the Bureau of Immigration and Customs Enforcement. Also recommended is $5.4 billion for the Transportation Security Administration; $6.8 billion for the Coast Guard; and $1.1 billion for the United States Secret Service.

For assessments, preparedness, and recovery activities of the Department funded under Title IV of the bill, $8.3 billion is recommended. This includes $3.6 billion for emergency preparedness and response activities; $823 million for the Department's new Information

Analysis and Infrastructure Protection Directorate; $201 million for the Federal Law Enforcement Training Center; and $3.6 billion for the Office for Domestic Preparedness.

In addition, the bill recommends $494 million for Departmental operations and oversight; $229 million for the Bureau of Citizenship and Immigration Services; and $866 million for research and development activities of the Department's Science and Technology Directorate.

The bill recommends $8.1 billion for the defense of the nation's borders and investigations and enforcement of our immigration and customs laws.

Included in this amount is an increase to establish the first permanent northern border surveillance air wing.

The bill also provides $380 million for the United States Visitor and Immigrant Status Indicator Technology project, known as US VISIT. This automated entry/exit system is one of the Department's top priorities. It will track the entry and exit of all non-immigrant travelers, making it easier for legitimate travelers while making it more difficult for those who may intend to do us harm.

The bill recommends $4.9 billion for the Bureau of Customs and Border Protection, which supports inspection activities and patrolling of our borders.

As I previously stated, the United States has 5,525 miles of border with Canada and 1,989 miles with Mexico. Our maritime border includes 95,000 miles of shoreline. Each year, more than 500 million people cross the border into the United States, some 330 million who are non-citizens. There are 118,129,875 vehicles that enter the United States annually and 16 million cargo containers.

To assist the Bureau in its task to protect our border, the bill provides an increase of $74.3 million for additional personnel, $41 million of which is for 570 additional border agents.

In addition, the bill provides full funding of $12.1 million for the Customs Trade Partnership Against Terrorism. A safe and secure supply chain is a critical part of the Bureau of Customs and Border Protection's work to keep our country safe. Through this initiative, the Bureau is committed to working closely with companies whose good business practices ensure supply chain security as well as compliance with trade laws.

It also provides the requested increase of $61.7 million for the Container Security Initiative. This initiative seeks to enhance the security of an indispensable, but vulnerable, link in the chain of global trade: the oceangoing shipping container. Proactively screening containers before they reach the United States will significantly contribute to efforts to secure the borders against dangers that might be introduced through commercial traffic. A more secure maritime trade infrastructure will help ensure the continued smooth flow of merchandise through seaports.

The bill recommends $2.8 billion for the Bureau of Immigration and Customs Enforcement, which supports investigations, intelligence, detention and removal activities, and provides a safe and secure work environment for Federal facilities. To assist the Bureau in carrying out these tasks, the bill provides an increase of $28.3 million for additional investigative and intelligence personnel.

The bill provides an increase of $66.2 million for the establishment of the first permanent air surveillance wing on the northern border. The Nation is vulnerable to illegal incursions by terrorists, drug smugglers and other criminals. The establishment of this air wing will allow the Department to extend its reach to an at-risk area of the Nation's airspace.

The bill also provides a transfer of $424 million from the General Services Administration, Federal Buildings Fund, for the Federal Protective Service, which is the same as the President's budget, to ensure a safe and secure workplace for Federal employees.

For the Transportation Security Administration, responsible for ensuring security across the U.S. transportation system, including our Nation's airports, railways, highways, and waterways, the bill recommends total funding of $5.4 billion.

For security enhancements to our Nation's aviation sector, an increase of $307 million over the President's budget request has been provided. A major component of this increase is $150.5 million for the purchase of baggage explosive detection systems and $309 million to make security improvements at our Nation's airports, including the permanent installation of these detection systems in the airport to move them out of airport lobbies. In addition, the bill provides funding at the President's requested level for passenger and baggage screeners at airports.

Also provided for the security of aviation is $600 million for the Federal Air Marshals program, and $25 million for Federal flight deck officer training for commercial pilots who voluntarily apply to carry firearms in the cockpit.

To further enhance TSA efforts to secure cargo placed on aircraft, $30 million is provided for the screening of air cargo.

For maritime and surface transportation security activities, the bill provides $150 million for port security grants, $30 million for the continuation of operation safe commerce to better secure cargo entering the Nation's three largest ports, and $25 million for trucking industry grants to provide for safe travel on our Nation's highways.

To further improve transportation security, $130.2 million is provided for research and development of the latest technologies to detect and deter terrorist attacks, including $45 million for research and development of next generation explosive detection systems and $30 million for research and development of new technologies to screen air cargo.

The bill recommends $6.88 billion in total funding for the United States Coast Guard, which supports the President's request for search and rescue activities, fisheries enforcement, drug interdiction, and defense-related activities. Included in this amount are increases for the Integrated Deepwater Systems, ''Deepwater'', Maritime Safety and Security Teams, and the Automatic Identification System.

The bill provides $702 million for the Deepwater program, which is $202 million above the President's budget. Deepwater missions cover the spectrum of the Coast Guard's responsibilities, including: homeland security, search and rescue, alien migrant interdiction, drug interdiction, fisheries protection, and marine environmental protection.

Deepwater was conceptualized as a 20-year program at a cost of $500 million a year, to recapitalize the Coast Guard's aging assets and fully integrate the communications capability of all ships and aircraft. In order for Deepwater to be completed in 20 years, the annual funding would have to include inflation, which has not been the case. If the recent pattern of underfunding continues, the projected timeframe for completion could increase to 30 years, thereby increasing the total cost to the government. Fiscal year 2004 funding of $702 million will go a long way toward getting Deepwater back on schedule for completion in 20 years.

The bill provides $134 million for the Rescue 21 program, which is the same as the President's budget. Rescue 21 is effectively the maritime 9-1-1 system for mariners in distress, designed to monitor distress calls, alert response assets, and coordinate search and rescue responses. This funding will improve the Coast Guard's effectiveness and enhance mission delivery of marine safety, law enforcement, environmental protection, and homeland security.

The bill provides an increase of $40 million for the Automatic Identification System, which is similar to an air traffic control system that transmits important safety and security information concerning vessels back to a shore-based receiver. This provides the Coast Guard with the capability to track vessels throughout the coastal zone and provide greater security to the Nation's ports.

To further strengthen the capacity of the Nation's first responders to prepare for and respond to possible terrorist threats, the bill provides $3.638 billion for the Office for Domestic Preparedness.

Included in this amount is $1.2 billion for State and local basic formula grants; $500 million for State and local law enforcement terrorism prevention grants; and $750 million for high-threat urban area discretionary grants.

The bill also provides $750 million for firefighter assistance grants, to remain as a stand-alone program.

The bill does not recommend the consolidation of funding for emergency management performance grants into the Office for Domestic Preparedness grant programs, as proposed in the budget. An appropriation of $165 million for this grant program is provided through the Emergency Preparedness and Response Directorate.

The bill recommends $3.6 billion in total funding for the operations of the Emergency Preparedness and Response Directorate, fully supporting the fiscal year 2004 budget for preparedness, mitigation, response, and recovery activities; public health programs, to include the Strategic National Stockpile; and information technology services and regional operations.

The bill provides $1.9 billion for disaster relief as proposed in the President's budget. The disaster relief fund through the Department of Homeland Security will continue to operate the programs formerly run by the Federal Emergency Management Agency to assist victims in presidentially-declared major disasters and emergencies.

The bill provides $200 million for flood map modernization activities to modernize and digitize the Nation's flood maps. These maps are outdated and in some cases not permanently documented, as the digitization process would provide. Fiscal year 2004 funding will ensure that the Department stays on track to provide up-to-date flood maps for the Nation within 5 years.

The bill continues the Emergency Management Performance Grants, ''EMPG'', at $165 million, and does not recommend shifting this program to the Office for Domestic Preparedness. EMPG is a State matching grant program designed to assist States and local communities in all-hazards planning and response, and is therefore more appropriately administered through the Emergency Preparedness and Response Directorate. In Mississippi, the number of counties with emergency management programs has increased from 43 to 65 in the last three years because of funds made available through EMPG. The same is true for numerous other States, indicating the importance of this program to provide communities with the capability to develop localized emergency management programs.

The bill recommends $823.7 million for activities of the Information Analysis and Infrastructure Protection directorate to identify and assess threats to the homeland, map threat information against current vulnerabilities, issue warnings, and take preventive and protective action.

A critical component of this directorate is the ability to provide the resources to secure our Nation's critical infrastructures from catastrophic events. In order to achieve this, $293.9 million is provided for critical infrastructure and key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide development of protective measures to harden facilities and assets.

For the intelligence and warning functions of the Department of Homeland Security, $101.7 million is provided to guide collection, assessment, evaluation, and prioritization of all intelligence information.

As part of the effort by IAIP to better secure not only physical assets but also cyber assets, the bill includes $98.5 million for the integration of physical and cyber infrastructure monitoring and coordination for cyber security.

A total of $866 million is recommended for the research and development activities of the Department's Science and Technology Directorate.

This directorate is tasked with the centralization of research and development department-wide and is provided $64 million in support of conventional missions of the Department's agencies and bureaus.

The bill also provides $55 million for the establishment of a university-based system to enhance and strengthen the efforts of homeland security on our Nation's campuses.

As the Department works to monitor and detect cyber attacks by terrorist organizations within the auspices of the Information Analysis and Infrastructure Protection directorate, Science and Technology is responsible for the research and development of the most appropriate technologies for next generation cyber threat characterization, detection, and origination. For these activities, the bill provides $18 million.

A total of $70 million is made available for the technical support working group responsible for the rapid development and prototyping of new technologies in support of homeland security.

For research and development of critical infrastructure security assurance, $72 million is provided, of which up to $60 million is made available for research, development, testing, and evaluation of an anti-missile system for commercial aircraft. There also is a great need for the development of standards and protocols for equipment that is used in the field for detecting, mitigating, and recovering from terrorist attacks and funds are available for this purpose.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CONSTANT DRUMBEAT

Mr. BENNETT. Mr. President, the constant drumbeat in the press goes on. We find it highlighted in this week's national news magazines: a constant attack on the credibility of George W. Bush; a constant drumbeat calling him a liar, at the very least an exaggerator who did it deliberately to mislead the American people and to take us to war.

Those in the media who get involved need to be reminded just a little bit of their responsibility. It is their responsibility to react not just to the flavor of the moment, in terms of political issues, but to give us a little bit of institutional memory. Since they seem to lack that memory, I will do my best to supply it here this afternoon.

I remember as a Member of this body some intelligence lapses that occurred and decisions that were made on the basis of those lapses. Let me give you some.

I remember when the United States bombed a pharmaceutical plant in Sudan because the intelligence said it was a place where biological weapons were being created. This was not a trivial matter. I went to the room here in the Capitol that is reserved for secret briefings. I refer to it as the secret room where secret people tell us secret things, and I had no less than the Secretary of Defense absolutely insist that the intelligence was rock solid that biological weapons were being produced at this plant in Sudan.

We now know the intelligence was wrong. The plant was not involved in the production of biological or chemical weapons. The intelligence information that led us to believe it had been was flawed, it was old, and the casualties that occurred on that occasion were civilians who needlessly lost their lives because the American intelligence was bad.

The question is: Would we have been better off if we had not destroyed that plant in the Sudan? And the answer is clearly yes. Intelligence let us down. We made the wrong decision. We killed some civilians. We would have been better off if we had not proceeded.

The second lapse of intelligence occurred during the bombing in Bosnia. I was involved in this one to a greater degree than the other. This is where the Americans bombed what they thought was a legitimate target and it turned out to be the Chinese Embassy. Furthermore, it was more than just the Chinese Embassy. It was the center of Chinese intelligence activity that covered most of that part of Europe.

I was in China on a congressional delegation not long after that occurred. One after another Chinese official kept berating me and the other members of the delegation as to why we had deliberately targeted and destroyed a key intelligence center for the Chinese.

Our answer was that this was an intelligence failure on our part; that the CIA was using an old address book, and we had not realized we were, in fact,

destroying a very sensitive Chinese installation.

I remember the response from a Chinese official as we made that explanation. He said: You Americans have the best intelligence in the world. You have been following what we have been doing in that part of the world for years. You destroyed a major intelligence asset of ours, and you claim it was a mistake? You claim your intelligence assets were so bad you did not realize we had been at that location for years?

It was very clear from the questions and the tone of voice with which those questions were asked that the Chinese officials did not believe us. They did not believe we were capable of such a stupid mistake.

The only defense that could be offered, and it was offered by another member of the delegation, was it had to be a mistake because, in fact, it was so stupid. No one would have done that deliberately and damaged the relationship between the United States and the Chinese so seriously.

It was in response to that the U.S. Embassy in Beijing was stoned. I saw the windows that were broken. I saw the bullet holes that pocked the walls as people fired on the Embassy. It was a major incident.

Again, the fundamental question: Would we have been better off if we had not done it? And the answer is an unequivocal and overwhelming, yes; we would have been better off if we had not done it.

I could go on, but let me take those two examples of failed intelligence and those two questions—would we have been better off if we had not done it in the Sudan, and would we have been better off if we had not done it in Belgrade—and put them in the context of today's debate.

Let's assume for a moment—and I underscore that I do not—that the intelligence that led up to the decision to go ahead in Iraq was as faulty as the administration's critics are now claiming it was, and then ask the same fundamental question: Would the world be better off if we had not gone into Iraq? And the answer is clearly, no. The answer is clearly as Tony Blair laid it out before the joint session of Congress. He made it clear if we made a mistake, history will forgive the mistake because the consequences of it were that we freed the Iraqi people. We brought a degree of credibility and stability into that region that has not been there. We have new leverage to deal with the Israeli/Palestinian question beyond that which any American President has had.

If, in fact, we blundered into Iraq—and, once again, I underscore the fact I do not believe we did—we did a good thing. Unlike the failed intelligence that caused us to blow up a civilian production facility in the Sudan, which was a bad thing, unlike the failed intelligence that caused us to destroy the Chinese Embassy in Belgrade, which was a bad thing, if there was flawed intelligence here that caused us to go into Iraq, it was still a good thing.

Let me give an example of flawed intelligence with respect to Iraq. We did not know, going into Iraq, the degree to which Saddam Hussein had committed genocide against his own people. With all of the intelligence assets we had on the ground in Iraq, we were unaware of the number and extent of the mass graves that we are still uncovering while we are there. If we are going to complain, as those in the media are doing, that the intelligence going into Iraq was flawed, they should complain just as much about the failure of intelligence to tell us the degree of his brutality. But they are not talking about that. We do not get any media reports with each new discovery of a major new mass grave. Those are dismissed in what is called the mainstream media because that might lend support to the idea that going into Iraq was the right thing to have done.

No, instead we are quibbling over words that appeared in the State of the Union that somehow triggered massive misunderstanding on the part of the American people. I would challenge anyone to go to anyone in America and ask them how many of them remember the 16 words that are being challenged. Well, maybe the American people do not remember those words but certainly the Congress does.

There is a slight problem with that because the State of the Union Message was given after the Congress had approved the President's intervention in Iraq. The vote was taken on this floor prior to the time the President made those statements. So how can anyone in this body claim that he or she was misled by the President's statement in the State of the Union when the vote was taken prior to the time that statement was made?

Once again, that is a fact that is conveniently left out of all of the media analysis. They do not tell us that Congress went to the briefings and came to its conclusion as to the rightness of the decision in Iraq before the President made that comment in the State of the Union.

I went to the briefings. There was a briefing at the Pentagon that I remember very carefully. We went over for breakfast with the Secretary of Defense and he gave us a complete briefing on the entire issue of weapons of mass destruction and where things were in Iraq. I must say I did not see any of the current critics of the President's plan present at that briefing. I remember fairly clearly who was there. I could not name all of the Senators who were there, but I could name all of the Democratic Senators who were there, and none of them is currently engaged in criticizing the President.

I remember a briefing at the White House in the Roosevelt Room with representatives of the CIA and Condoleezza Rice, where we went through the whole issue of weapons of mass destruction. Once again, I can remember the Senators who were at that briefing. It was open to all. It was not a private thing where a few Senators were requested. Any Senator who wanted could have gone to that briefing. I remember those who were there. Not one of the current critics of the President's position was there at that briefing.

So I find it a little disingenuous to have them say they were misled when they did not attend the briefings that were given.

Now let me take my colleagues to that briefing in the Roosevelt Room in the White House and summarize for them what was said there. We were told the following: Four areas of deep concern were raised, and we were told in descending order of how scary these were. The first was biological weapons. The second was Saddam Hussein's capacity to deliver those weapons. The third was chemical weapons. The fourth was nuclear weapons.

I remember that very clearly because I summarized it back to the briefers and said: Let me be sure I understand what you are saying. You are saying you are most frightened of his capacity in the biological area, slightly less frightened about his ability to deliver those weapons, slightly less frightened about his capacity in the chemical area, and least frightened about his capacity in the nuclear area? And they said, yes, Senator that is the descending order of concern.

I cite that because we are now being told in the popular press that the entire operation was sold to us because of the threat of nuclear weapons, ignoring the facts that we were given at the briefing to which they did not come.

The question was raised, Why should we be going against Saddam Hussein at this particular time? That was one of the questions at the briefing. I remember the answer very clearly. If we are just talking about weapons of mass destruction, there are a number of countries that have weapons of mass destruction. Indeed, if we went to the country that has the most outside of the United States itself, that would be Russia. Simple possession of weapons of mass destruction, the point was clearly made at the briefing, simple possession of weapons of mass destruction does not justify taking action.

A brutal dictator who oppresses his own people. Look around the world and there are plenty of brutal dictators who oppress their own people. Being a brutal dictator who oppresses his own people is not justification for the United States to go to war against you. That point was clearly made at the briefing.

Willingness to invade your neighbors. There have been regimes around the world that have attacked recently their neighbors. Clearly, the United States cannot intervene every time there is a border war or a willingness to attack your neighbors. That, alone, does not justify going against someone in a military fashion.

Using weapons of mass destruction is different from possessing them. Now we are getting kind of narrow because we do not have a great number of examples of regimes that have used weapons of mass destruction. But maybe that alone, again, does not justify going against another regime.

Put them all together—possession of weapons of mass destruction, using the weapons of mass destruction, crossing borders and invading your neighbors, and being in the hands of a brutal dictator—now we are getting a list and we are coming very close to Saddam Hussein, as the only brutal dictator with weapons of mass destruction, who qualifies for all four of those.

But there is a fifth that comes into play as a follow-on to September 11: That is financing and harboring terrorists. Let me make it clear at that briefing, no one said there was a heavy al-Qaida presence in Iraq. Once again, people in the media are attacking President Bush for saying something that, in fact, he did not say. What was said at the briefing was Iraq sponsors terrorism, Iraq funds terrorism, and there are intelligence reports of Iraq harboring members of al-Qaida who are fleeing for their lives.

The statement was never made that there was a major al-Qaida headquarters in Iraq. The statement was simply made that terrorists run through Iraq. A number of terrorist organizations, in addition to al-Qaida, have been represented in Iraq. Iraq funds terrorism throughout the region.

Here are five different criteria, any one of which might not be enough to justify moving against a foreign government. Indeed, two or even three gathered together might still not justify moving against a foreign government. But the statement was made clearly, when you put all five together and ask yourself where in the world do you find all five at the same time, the answer is in one place and one place only: That place is Iraq.

That was the intelligence briefing I attended. That was the intelligence information I heard when I made up my mind to be in support of the President and this operation. As I said before, I do not remember—indeed, I am sure that most of the President's congressional critics—indeed, all of—the President's congressional critics in this Chamber—were not there. They did not hear the briefings.

For them to come forward now and say the President misled them, when they did not go, is disingenuous. I do not feel misled. I do not feel uninformed. I do not feel the intelligence was bad. Insufficient? Of course. Intelligence is always insufficient. But that does not mean it was deliberately manipulated; that does not mean it was planted; that does not mean anyone did anything but the very best he or she could do in good faith.

The fundamental question I posed earlier still stands. Even if you accuse the President of doing all of what his critics are saying he did, was it bad to have gone into Iraq and toppled Saddam Hussein? Until critics either in the Congress or the media will come forward and say, we used bad intelligence to make the bad decision and the world would be better off if Saddam Hussein were still in power, they cannot, in my view, sustain their criticism. They cannot fault this President unless they are willing to say in this instance what we can say in the two other instances I have described.

Intelligence was flawed in the Sudan. Would the world be better off if we had not destroyed that plant? Yes. The intelligence was flawed in Belgrade. Would we be better off if we had not destroyed the Chinese Embassy? The answer is yes. If the intelligence was flawed in Iraq, the same question still applies: Would we be better off if we had not toppled Saddam Hussein? Until someone is willing to answer that question yes, I am not willing to give credence to their complaints about this President and this White House.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. BYRD. Mr. President, today the Senate takes up H.R. 2555, the Department of Homeland Security Appropriations bill. This is the first homeland security appropriations bill in the history of the Nation. The Senate Appropriations Homeland Security Subcommittee was created just 4 months ago. Under the able leadership of Chairman COCHRAN, the subcommittee held six hearings to review the operations of the Department of Homeland Security. I commend Chairman COCHRAN and his staff for their work on this important legislation.

The bill provides discretionary budget authority totaling $28.521 billion, a level that is $1.039 billion above the President's request. The bill is at the level available under the 302(b) allocation. Regrettably, the allocation for homeland security programs is inadequate. This is not a criticism of Chairman COCHRAN, nor is it a criticism of full Committee Chairman TED STEVENS. Unfortunately, the budget resolution that passed this Congress limited discretionary spending to levels below the President's already inadequate request. The budget resolution severely constrains our ability to address known threats to the safety of the American people.

With the Department of Homeland Security regularly changing the terrorist level from elevated to high and back, and with the Secretary saying publicly that another terrorist attack is inevitable, the demands for homeland security spending seem endless. Our job on the Appropriations Committee is to make careful choices. Unfortunately, the budget resolution has forced us to exclude from the bill some funding that both the Congress and the President have recognized as being real needs.

All Americans, whether they live in rural communities or major cities, want to know that if there is a terrorist attack close to their homes, their local doctors and nurses have the training to treat the injured. Americans want to know that their local firemen have the ability and the equipment to handle a chemical or biological attack. Americans want to know that their local police officers are trained in identifying and responding to the variety of terrorist attacks that we could now face.

Regrettably, this bill, while providing first responder funding at a level that is $303 million over the President's request, is $434 million below the level that the Congress approved for the current fiscal year. The Federal Government needs to remain a full partner in local homeland defense efforts and adequate funding is essential to that task.

According to the Secretary of Defense, the United States is spending $3.9 billion per month for the war in Iraq. Yet this bill includes only $3.9 billion for the entire year for equipping and training our first responders. Frankly, I believe that the President and the administration have lost their focus on what really matters to American citizens; namely, the combating of terrorism and securing the homeland.

One of the mysteries about the President's budget is the budget for the Transportation Security Administration or TSA. TSA was created by the Aviation and Transportation Security Act of 2001 and was supposed to focus on securing all modes of transportation. Yet the President's budget includes only $86 million or 2 percent of the TSA budget for maritime and land security.

Yet the President's budget includes only $86 million.

The rest of the President's budget request is for aviation security and for administration. What about securing our ports? What about securing our trains? What about securing our subways and our railway tunnels? What about securing our buses, or securing the trucks that carry hazardous materials? In fact, the President's budget requests 2.5 times more for administering the Transportation Security Administration bureaucracy than the President does for securing the Nation's ports, trains, trucks, and buses.

I commend Chairman THAD COCHRAN for recognizing this problem and for addressing some of these weaknesses. But he simply did not have the resources available to him to deal with several well-known vulnerabilities.

For example, in November of 2002, President Bush signed the Maritime Transportation Security Act which established new standards for securing our Nation's ports. Despite the fact that the Coast Guard had estimated it will cost the ports $5.4 billion over 10 years to implement those standards, including $1.1 billion the first year, the President did not request a dime for port security.

The bill that is before the Senate includes $150 million for port security grants, and I commend Chairman COCHRAN for finding the resources within the limited allocation for this important program. I hope we can do more to secure our ports.

In October of 2001, the President signed the Patriot Act, which called for tripling the number of Border Patrol agents and Customs and immigration inspectors on the northern border. In May of 2002, the President signed the Enhanced Border Security and Visa Entry Reform Act, which authorized significant new investments in Border Patrol agents and facilities. The goals with regard to Customs inspectors and border facilities cannot be met with the limited funding that was made available for discretionary programs under the budget resolution.

Under the President's proposal for the Transportation Security Administration, there is a significant gap in securing commercial airlines. Under the proposal, each airline passenger is screened before he or she gets on a plane, and each passenger's baggage would be screened before being loaded on a plane. But commercial cargo on that same plane would be left unchecked. That is a dangerous security risk that needs to be addressed. This bill adds $30 million to the budget request to research, develop, and deploy air cargo security programs to enhance the secure transport of cargo on commercial airlines. I believe we need to do more to secure cargo on our commercial airlines.

However, with the funds that were made available to the subcommittee under our allocation, I believe Chairman COCHRAN has produced a good bill. It is balanced. It is fair. It addresses a number of weaknesses in the President's budget request that we identified during our committee hearing.

We increased funding over the President's request to equip and train our first responders. We continue to fund effective programs such as the Fire Grants Program and the All Hazards Emergency Management Performance Grants Program, which the President had proposed to consolidate into a single grant program. We increased funding for our airports to purchase explosives detection equipment and to install that equipment.

We increased funding over the President's request for the Coast Guard in order to keep the Deep Water Air and Sea Modernization Program on schedule. We recognize that not all transportation security vulnerabilities are at our airports. We also fund grants for port security, bus security, and for securing hazardous materials.

Additionally, this legislation takes an important step to protect personal privacy. The bill delays for 60 days the expenditure of funds on implementing the Department's proposed new Airline Passenger Profiling System—CAPPS II—until the General Accounting Office conducts a study and reports to the Congress on the privacy implications of the system. We must make sure that the privacy rights of individuals are protected and that individuals who are determined to pose a threat to security have an appeal mechanism.

This is a good bill, but we must address several critical shortfalls that result from the budget resolution that put tax cuts at the front of the line and left homeland security to compete with every other Federal program for limited dollars. The result, regrettably, is a homeland security budget that leaves gaps in our security by leaving priority programs underfunded.

After 9/11, Congress passed the Patriot Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act, and the Enhanced Border Security and Visa Entry Reform Act. And the President signed them with great fanfare. But the President has done little to fulfill the promise of those laws. Now the Senate has before it the funding legislation that would either fulfill the promise of those acts or continue to leave the Nation and its citizens vulnerable.

I urge all Members to be mindful of the solemn duty to ''provide for the common defense, promote the general welfare and secure the blessings of liberty for ourselves and our posterity'' as we debate this important appropriations bill.

AMENDMENT NO. 1317

(Purpose: Fulfilling Homeland Security Promises)

Mr. BYRD. Mr. President, I send to the desk an amendment for discussion and action, not this afternoon but tomorrow or subsequently.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1317.

On page 75, Line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $238,500,000, to remain available until December 31, 2004, for which not less than $100,000,000 shall be for border ports-of-entry infrastructure improvements, and not less than $138,500,000 shall be for staffing at the northern border.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $100,000,000, to remain available until expended, for air cargo security.

TRANSPORATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $532,000,000, to remain available until December 31, 2004, of which not less than $57,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $460,000,000 shall be for shortfalls pursuant to Public Law 108–10, for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $15,000,000 for inter-city bus security grants for enhancing inter-city bus and facility protection against terrorists threats.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $70,000,000, to remain available until December 31, 2004, of which not less than $70,000,000 shall be costs pursuant to Public Law 107–295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for the ''Office for Domestic Preparedness,'' $729,500,000: *Provided*, That of the amount made available under this heading: $250,000,000 shall be available for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711); $250,000,000 shall be for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security; $79,500,000 shall be for interoperable communications equipment; $150,000,000, to remain available through December 31, 2004, shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

OFFICE OF THE UNDER SECRETARY FOR INFORMATION

ANALYSIS INFRASTRUCTURE PROTECTION

For an additional amount for the ''Office of the Under Secretary for Information Analysis and Infrastructure Protection'', $80,000,000, to remain available until December 31, 2004, for chemical facility security assessments.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period of morning business during which Senators may speak for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. 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. Without objection, it is so ordered.

PROGRESS IN IRAQ

Mr. FRIST. Mr. President, I want to comment on an opportunity I had on Saturday to meet with Ambassador Bremer shortly after his arrival from Iraq. And we met, for a short period of time, with Senator WARNER and Representatives LEWIS and MURTHA to talk a little bit about what is going on on the ground in Iraq, specifically with coalition provisional authority, what their role is, how much progress is being made in rebuilding Iraq.

It is so difficult for all of us, in our briefings, where we are getting information secondhand, thirdhand—we are watching the news on television and reading it in the papers, and you get slivers of information—it is very tough to put in perspective what is actually going on in this vast country, where we know we are rebuilding not just from the war several weeks ago but from 10 years of neglect—indeed, 30 years of neglect. It is hard to assess, in terms of health care and water and schools and roads, where we are. You really see very little in terms of progress being made based on the information that filters through to us.

That is really why, as a prelude to some of the things we will hear tomorrow, Ambassador Bremer is going to come and visit with us in the Senate, where we will have a discussion. He is briefing the administration today, and he had several very public addresses on Sunday. But what he has to say is astonishing in lots of different ways, but mostly I think because of the relative silence in the press about the conditions on the ground in terms of progress, in terms of improvement.

After talking to Ambassador Bremer, it is clear to me that we are making real progress, demonstrable progress, day to day, week to week, in Iraq. Just as one example, I very specifically asked about food and asked about health care. Today, based on all objective measures, and as reinforced by Ambassador Bremer, there is no food crisis in Iraq. Indeed, there is no health care crisis in Iraq right now, today. The provision of basic utilities is improving daily, as is the overall public health situation. Indeed, I believe the Ambassador said that next week there will be a second immunization day nationwide scheduled.

When I asked about basic health care services, the Ambassador replied that they have been restored to about 90 percent in the north and 80 percent in the south and about 75 percent in the mid region around Baghdad.

When I asked about specific hospitals, I was told that over 200 hospitals—I don't know the exact number; there are over 200 hospitals in Iraq—all of those hospitals are now operational, in service.

Much of Iraq is near the prewar service conditions for water. When I speak of water conditions, I include sewage and the like. But what is interesting, and what we have to constantly remind ourselves, is that the country has been in a state of deterioration over the last 15 years, with no money invested in clean water, servicing that water, getting water to the people, and sewage plants. So even prewar conditions were very poor. But then we had the impact of the war. We have some sabotage going on right now. But now we are just about up to the prewar service conditions. We still have a long way to go to get back to the sort of conditions we would say are acceptable.

In terms of security, while lawlessness and entrenched Saddam loyalists continue to obstruct and hinder recovery efforts, progress has been made on the security front as well. Large-scale looting has stopped, has come to an end. Where there were once, not that long ago, empty roads, empty streets, and deserted markets, there are now bustling sidewalks with all sorts of items being sold, from shoes to satellite dishes to basic utensils. Now you see traffic back on the streets and even traffic jams.

Except for the small, central area—an important area but a small area—encompassing Tikrit and Baghdad, security throughout the rest of Iraq has improved. Indeed, more than 80 percent of the country is living in a more secure environment than they were before the war. Mr. President, 34,000 Iraqi police have been rehired, and 30,000 are on duty right now. Additionally, over 1,000 guards have been hired to protect 87 sites just in Baghdad alone.

Also, we hear, again: Is it just the United States? Ambassador Bremer will share with us the participation and cooperation we are receiving from around the world. We are not going it alone. He has mentioned, and continues to mention, the international constabulary teams that are from Italy and Spain that will serve as a bridge between the combat forces and the police.

The one distressing area we hear about every morning when we wake up or late at night is the distressing news of guerrilla activity and attacks on our troops. Indeed, our hearts go out to the families who have been affected and continue to be affected by this loss of loved ones. But it is important for us to understand we are not fighting a large-scale insurgency at this point in time. We are fighting the dead-enders from the old regime, the former Baathists. They have no popular support in Iraq. They will not return to power.

In addition to improving the security of the country, the coalition is also working hard to generate a thriving Iraqi economy. Again, we have to mention, however, that the Iraqi economy has been grossly mismanaged for more than 30 years. By his own estimates, Iraq suffered from employment levels at 50 percent before the war. Before the war, at least 30 percent of the GDP was spent just on the military—not on building infrastructure or refurbishing infrastructure, not on water supply or sewage plants or health or education.

Saddam Hussein had run the country into the ground: 50 percent unemployment; 30 percent of the GDP, the gross domestic product, spent on the military. Saddam's government spent zero on capital goods. And, yes, there were lavish palaces. There were manmade lakes, luxury yachts, and cars. Saddam spent untold billions on himself and his regime, but for the Iraqi people, for the people themselves, he left them a country with an infrastructure, as we witness today, that is brittle, that is antiquated, and, indeed, is susceptible to breakdown.

I mention this because, at least in my conversations with the Ambassador, it is clear we need for us and the American people to understand that part of this reconstruction is going to be reconstruction from the war but mainly reconstruction from the last 10, 15, 20 years of this tyrannical, oppressive regime.

As we look at the economy, I am fascinated by the dispensing fund which has been set up that is financing and will continue to finance construction projects and reconstruction projects that are carried out by the Iraqis themselves.

It is currently employing Iraqi construction firms to carry out the restoration of that national infrastructure. The coalition is paying salaries, paying pensions. It is paying the army and buying crops from farmers. And these are the first steps toward building and rebuilding that economy, a functioning economy, and indeed they are vital steps. And they are under way. Freedom is coming to the Iraqi people. Freedom is coming to support their economy.

In terms of democracy itself, the coalition is leading Iraq toward a functioning democracy. It was just a little over a week ago, just 8 days ago, that the governing council of Iraq was established. The council comprises 25 political leaders from across Iraq. Its immediate responsibilities include the appointment of ministers, the creation of a 2004 budget, and a constitutional process. It is remarkable that these 25 will be charged with sitting down and writing a constitution really from scratch.

The governing council will be responsible for creating a constitutional process, not just the writing but the actual debate as to what should be in the constitution. Once the constitution is drafted, then free elections will take

place. That will create a sovereign Iraqi government. When that government is created, the coalition provisional authority's work is essentially done, but it does take time. It does take patience. It does take time to rebuild the economy, to establish the security that the people of Iraq deserve.

I welcome the ambassador to the Senate tomorrow to hear of his first-hand experiences and to help paint that perspective which makes it much easier for us both to view the news and the information that is given to us so we can make appropriate policy decisions. It is vitally important that we have that complete perspective and that full view of the Iraqi situation. We will stay the course. The Iraqi people, of course, depend on us to stay the course. It will take time. It will take patience. It will take determination.

It is astounding to me that even in defeat Saddam has the power seemingly to turn the free world against itself and divert the media's attention from his monstrous crimes. For the last week and a half we have had a glossing over of the atrocities this man had committed. I appeal to my colleagues to look at the Iraqi people, at this crucial turning point in their history, and allow the Iraqis for the first time in 30 years to really taste what freedom is all about.

We talk all the time in this Chamber about helping, reaching out to help the oppressed and helping the downtrodden. Now is the time to ask: Are Iraqis in some way unworthy, are 300,000 missing people in Iraq merely a statistic? Every day our soldiers are turning up mass graves full of the bones of men, women, and children who have been hacked down literally by Saddam's men. We are beginning to see these images. We in this body have had the opportunity to talk to our Senate colleagues who have visited Iraq recently. There are literally tiny skeletons strewn in the dust alongside these once-adored little plastic baby dolls. The images are coming back to us to demonstrate the atrocities committed by Saddam Hussein.

We cannot, we should not look away. We will not look away. We know this will take time.

On the question of weapons of mass destruction, we know, and indeed we have those horrifying pictures, that Saddam used chemical and biological weapons of mass destruction against his neighbors and his own people. Last week on the floor I talked about my opportunity to visit directly in my office with Kurdish physicians, who are still practicing today, who talked about the thousands of Kurds, Saddam's own people, who were killed by the chemical weapons of Saddam Hussein. Indeed, these Kurdish physicians tell me they are still taking care of people today who suffered the morbidity of having been exposed to chemical weapons, those who were fortunate enough to survive.

Furthermore, Saddam's quest for nuclear weaponry is well known. It is indisputable. One only need ask the most elemental question: For what purpose were nuclear scientists on Saddam's payroll? Indeed, the Senator from Florida, Mr. GRAHAM, told Fox News Sunday:

> What we're concerned about with Iraq is its intention and capabilities to develop weapons of mass destruction, and the merger of that capability with terrorist groups. That is the ultimate nightmare scenario.

The nightmare is over. A bloody tyrant no longer rules in Iraq. A man who without qualm or regret murdered members of his own family and tens of thousands of his own citizens has 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 Kurdish civilians, is no longer 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. Iraq is no longer a playground for Saddam and his demented offspring. Iraq is finally and thankfully on the road to liberation.

Yes, it will be a bumpy road. It will take time. Even America was not built in a day. We are rebuilding, not just from the war but from 30 years of neglect. Today we should be celebrating the historic opportunity before the Iraqi people to build a democracy that respects the rule of law, that values life, that protects the God-given rights of every Iraqi citizen. We should lend them our strength and our competence as they face the difficult journey ahead. There can be no other course of action.

I believe that when all is said and done, Iraq will proudly stand among the nations of free people.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2003

Mr. GRASSLEY. Mr. President, I rise today to inform my colleagues that I have raised an objection to proceeding to S. 1125. Although I support finding a solution to the asbestos litigation crisis, there are a number of problems with this bill as currently drafted regarding the tax treatment of the asbestos fund. These problems affect the tax treatment of the amounts paid into and received from the asbestos fund. If not remedied, there could be serious adverse tax consequences to the companies, the asbestos fund, and, most importantly, the beneficiaries. These tax issues are within the jurisdiction of the Finance Committee, I believe that S. 1125 should be referred to the Finance Committee, but in the event it is not, the bill should be held from the floor until the Finance Committee can report a separate tax title for floor consideration.

DEPARTMENT OF DEFENSE

Ms. SNOWE. Mr. President, I rise today to speak in support of the Department of Defense Breast Cancer Research Program. Last week, we passed a Defense appropriations bill that includes $150 million in funding for this program. In the more than 10 years since its inception, I have worked with many of my colleagues to ensure that this groundbreaking program continues to have the strong level of support necessary to give researchers the essential resources they need to discover the keys to curing and preventing breast cancer.

Breast cancer is the most commonly diagnosed cancer in women. It accounts for 30 percent of all cancers in women. In the United States in 2002 alone, it is estimated that 203,500 women were diagnosed with invasive breast cancer while 40,000 women lost their lives to this disease. These women are our mothers, our sisters, our daughters, our friends. Research toward a cure cannot bring those loved ones back to us, but we hope it will spare thousands of future tragedies and provide hope for women currently struggling with this devastating disease.

Earlier this year, as I have for the past several years, I coordinated a letter, along with Senators LEAHY and others, requesting that the Defense appropriations for fiscal year 2004 contain $175 million in funding for the Department of Defense Breast Cancer Research Program. This letter received the strong bipartisan support of 66 senators. Although budgetary constraints did not permit funding at the requested level, the fiscal year 2004 Defense appropriations bill does contain $150 million for this program. Given the challenges of this year's budget, I am pleased that the appropriation bill contains such a strong level of support.

The research made possible by the Breast Cancer Research Program may benefit not only the victims of breast cancer but of countless other diseases as well. This program fills a unique role in offering awards that fill gaps in ongoing research and complement initiatives sponsored by other agencies. The program supports research and training awards that promote the investigation of innovative ideas and a strong workforce of scientists in this critical field. In an analysis of this program the Institute of Medicine said:

> The Program fills a unique niche among public and private funding sources for cancer research. It is not duplicative of other programs and is a promising vehicle for forging new ideas and scientific breakthroughs in the nation's fight against breast cancer.

In just over a decade since its inception, the DOD Breast Cancer Research Program already has shown great success. The flexibility of this program helps to maximize the limited resources available. I applaud the strong support of this program and want to stress that the intent of reviewing alternative funding sources is to strengthen breast cancer research efforts and not to affect funding for the current program. I am concerned about

any efforts to review or restructure the program that might reduce the effectiveness and vitality of the dynamic research efforts it supports. Much work remains to be done in our quest for the cure, and I will continue my strong support of the Breast Cancer Research Program in years to come.

Mr. President, as this bill heads to conference, I urge the conferees to recognize the strong congressional support of this program by, at a minimum, maintaining the Senate funding level.

HONORING JOHN HARDT

Mr. BENNETT. Mr. President, I want to take this opportunity today to pay tribute to a very distinguished servant of the legislative branch of Congress. In May 2003, Dr. John Hardt ends his official service with the Congressional Research Service after 32 years as a valuable resource to Congress in the field of international economics and foreign affairs. In many ways, Dr. Hardt's retirement symbolizes the ending of an era for the Congress; he is the only remaining CRS senior specialist now providing Congress with research and analysis in the field of foreign affairs. He has been a great asset to the Congress and to CRS throughout his long career in public service.

Dr. Hardt received both his PhD in economics and a certificate from the Russian Institute from Columbia University. Prior to joining the Congressional Research Service, he had already had the kind of illustrious career that serves as a lifetime achievement for many others. He served his country with distinction during World War II, receiving ribbons and battle stars for both the European and Asiatic Theaters of operations as well as the Philippines Liberation Ribbon. He has been an educator—specializing in economics, Soviet studies, and Sino-Soviet studies—at the University of Washington, the University of Maryland, Johns Hopkins University, the George Washington University, the Foreign Service Institute, and American military service schools. He has served in the American private sector specializing in Soviet electric power and nuclear energy economics for the CEIR Corporation in Washington, DC, and as Director of the Strategic Studies Department at the Research Analysis Corporation in McLean, VA, where he specialized in Soviet comparative Communist and Japanese studies. He is a widely published author, with hundreds of research papers, journal articles, technical memoranda, and book chapters to his credit.

Dr. Hardt joined the Congressional Research Service as the senior specialist in Soviet economics in November of 1971. It is work for CRS—and for us,the Members of this body—that I want to honor today. For the past three decades, Dr. Hardt has served Members of Congress, their staff and committees with his considerable expertise in soviet and post-soviet and Eastern Europe economics, the economy of the People's Republic of China, East-West commercial relations, and comparative international economic analysis. He has advised, among others, both the Senate and House Commerce Committees on East-West trade; the Senate and House Banking Committees on the Export-Import Bank and other U.S. Government financing programs; and the Senate Finance and House Ways and Means Committees on U.S. trade policy. He frequently has traveled with congressional committee delegations, serving as a technical adviser on visits to the former Soviet Union, Poland, Hungary, the former Yugoslavia, the United Kingdom, the Federal Republic of Germany, Italy, and Sweden, and then preparing committee reports for these trips. On many occasions, Dr. Hardt has been called on to advise directly Members of Congress and congressional staff on Russian Federation debt reduction and its relationship to nonproliferation concerns, and has provided support to the Russian Leadership Program, especially those events and activities that involved Members of Congress. The extent of his national and international contacts is breathtaking, and includes senior members of foreign governments and leading multinational businesses.

His most lasting legacy for Congress may well be his service as both editor and coordinator of a long series of Joint Economic Committee compendia on the economies of the PRC, Soviet Union, and Eastern Europe. The Congress can take pride in these important, well known, and highly respected JEC studies, to which Dr. Hardt devoted so much of his talent and energies. The more than 70 volumes of this work include; China Under the Four Modernizations, 1982; China's Economy Looks Toward the Year 2000, 1986; The Former Soviet Union in Transition, 1993; East-Central European Economies in transition, 1994; and Russia's Uncertain Economic Future, 2001. The series includes hundreds of analytical papers on various aspects of issues pertinent to Congress and to U.S. policy, all written by internationally recognized government, academic, and private sector experts, and all coordinated and edited by Dr. Hardt. This work was not only a valuable source of analysis to the Congress but also to the policy making and academic communities at large. For many years, these volumes were the most comprehensive sources of economic data and analyses on the economies of the Soviet Union, China and Eastern Europe.

Let me make one final point to illustrate the loss that we, as Members of Congress, sustain with Dr.. Hardt's retirement. That point concerns one of the great strengths that CRS offers to Congress, and which Dr. Hardt's tenure and contributions at CRS epitomize perfectly: institutional member. Of the 535 Members of the 108th Congress, only 11 were Members of the 92nd Congress when Dr. Hardt first assumed his official congressional duties. Most of the countries that he has specialized in have undergone astounding transformation during his working life—some, indeed, no longer exist. The membership of this deliberative body in which we serve has turned over many times. Committees have come and gone. But through it all, John Hardt has been a constant fixture, a strand of continuity in an environment of continual change—part of the collective institutional memory of CRS which is of such value to our work in Congress. We wish Dr. Hardt well in the new ventures on which he will be embarking. He will be greatly missed by us all.

ADDITIONAL STATEMENTS

TRIBUTE TO YASMINA VINCI

• Mrs. MURRAY. Mr. President, today I honor one of our most dedicated leaders, effective advocates and passionate activists for America's children: Ms. Yasmina Vinci. Ms. Vinci is retiring after 11 years as the executive director of the Nation's Network of Child Care Resource and Referral Agencies, NACCRRA. Ms. Vinci started the Washington, DC office of NACCRRA from her kitchen table with just a telephone and fax machine and built it into a highly respected organization representing more than 860 local and State child care resource and referral agencies.

Ms. Vinci is one of our Nation's most tireless advocates for a high-quality early care and education system designed to serve all children. As executive director of NACCRRA, Ms. Vinci has provided vision, leadership and support to community child care resource and referral agencies and has promoted national policies and partnerships committed to the development and learning of all children. Ms. Vinci has worked diligently to promote quality in child care resource and referral services.

Prior to joining NACCRRA in 1992, Ms. Vinci was the manager of special projects in the New Jersey Department of Human Services where she managed the Dependent Care Grant, coordinated the development of the New Jersey plan for the implementation of the Child Care and Development Block Grant and supervised a number of research, immunization and Head Start-related projects. For nearly 10 years, Ms. Vinci was the executive director of an inner-city child care center, serving 200 low-income families through a continuum of high quality, comprehensive, and family supportive programs.

Ms. Vinci has served on the Boards of the National School Age Care Alliance, the Interfaith Council for the Homeless, United Way and YWCA. She is a current member of the Board of the Alliance for Work Life Progress, the Center for Evidence Based Practices, the Center for Social and Emotional Foundations for Early Learning and the NOW Legal Defense and Education

Fund National Advisory Commission on Child Care and Early Education. In addition, Ms. Vinci has served as a commissioner on the National Head Start Fellowship Commission since its inception.

Ms. Vinci's commitment to children and those who care for them is an inspiration to all who have known and worked with her. Her contributions have made a difference in the lives of many and have built a pathway for generations to come. On behalf of America's children and advocates for children, I thank her for her great work and wish her a rewarding retirement.●

LOCAL LAW ENFORCEMENT ACT OF 2003

● Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress 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 on September 21, 2001. In Holden, MA, a 20-year-old man stopped at a traffic light assaulted another driver because he thought he was of Middle Eastern descent. The assailant got out of his car, pulled the driver out of his van, and proceeded to attack the victim. The assailant punched and yelled at the victim, striking him several times before the van driver attempted to fight back.

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.●

BRAD BEAN

● Mr. BURNS. Mr. President, today I recognize and honor a special friend, Mr. Brad Bean. Brad has been involved in the development and planning of the Burns' Telecommunications Center since its inception and has been dedicated to the continued expansion and advancement of the Burns' Center. Brad played an integral role in capturing my vision of using technology to connect all sectors of our rural State to the ''new world'' of electronic transmission and communication which has developed since the late 1980s. My goal to develop a technology training center dedicated to distance learning, telemedicine, classrooms, students and teachers and the business community has been advanced by Brad's belief in that vision.

His proven leadership has drawn individuals and companies from around the world to invest in the Burns' Telecommunications Center. Brad and his wife, Jacqueline, have helped to promote the opportunities available at the Burns' Center to people from many places in Montana and beyond its borders. Brad has served on the Burns' Telecommunications National Advisory Board and is retiring this year to my regret. I personally thank Brad and acknowledge and praise his passion for excellence, program development and his loyalty to my mission for the Burns' Center. Brad has gone above and beyond the call of duty and I salute him for his generous support and help.

We are fortunate in Montana to have people like Brad and Jacqueline, who are willing to give of themselves to help their community and their State.●

TRIBUTE TO A PATRIOT, HARLAN MEREDITH

● Mr. SHELBY. Mr. President, I rise today in recognition of Mr. Harland Meredith, a resident of Tuscaloosa, a Navy hero, and a leader in our community. Over the Independence Day holiday, a friend of mine, Charlie Land, read the following tribute about Mr. Meredith. I ask that Charlie's comments be printed in the RECORD in celebration of Harlan Meredith.

The material follows:

Once upon a time a young man of this church, freshly graduated from the University of Alabama, faced the world and pondered the future. I know that doesn't sound like a big deal. New college graduates are always doing that. No doubt some are right now.

But this was a special time. It was May of 1941. He was 20 years old and war loomed uncertainly on the horizon.

He already had tried to get into military service through the University's advanced Army or Army Air Corps ROTC programs. Both had turned him down. Something always seemed to be wrong when he took the required physical examinations, although nothing ever showed up in his regular physicals. ''I guess the Lord was just looking after me,'' he would muse many years later. ''I figure He just didn't want me to be in those.''

Within a few months, the Japanese attacked Pearl Harbor. War wasn't just on the horizon anymore.

He really had always wanted to serve in the U.S. Navy, anyhow. He applied for a direct commission as a naval officer and was accepted. He was ready to go fight for his country, for freedom.

But the Navy sent its new ensign to Chicago to oversee the hydrographic office that served the Great Lakes. It was not an unimportant job and he did it well. His commanding officer in Detroit was pleased. He pronounced his ensign a lucky young man; he could hydrograph his way through the whole war right there in Chicago. He liked Chicago okay, but that wasn't at all where he wanted to be or what he wanted to do. He wanted to go to sea and fight. It took a while, and he had to find his own replacement, but finally he was off to San Francisco to train for sea duty.

Now he was 21, but he was still single, his wife-to-be yet unmet. And he was all steamed up to go to the South Pacific.

''You know how you are at that age,'' he says.

He got there, although in a sort of roundabout way. His first sea duty was on the seaplane tender Hulbert, a converted destroyer, in the Aleutian Islands off Alaska. It was no pleasure cruise. The Aleutians were hostile waters; Japanese forces occupied some of the islands. There was combat, although not the heavy action to be found in the South Pacific. One night the Hulbert dragged anchor off a point in the Aleutians, ran aground and sank.

He transferred to a small new escort aircraft carrier based in Portland, OR. Typical of her class, the ship was named for a bay. Her namesake, Kalinin Bay, was in Southeast Alaska. But she would take her new gunnery officer from Tuscaloosa to the South Pacific at last.

And there would be some action.

The *Kalinin Bay*, with her 27 aircraft and 860 crew members, sailed about the South Pacific, doing her chores. A lot of them involved combat. There were enemy air attacks to fend off. There was the occasional torpedo to dodge. There were air strikes to be made. There were invasions to support-Sapan, Guam, the Southern Palaus, islands in the Leyte Gulf and finally the invasion of Leyte itself as Gen. Douglas MacArthur made good on his promise to return to the Philippines.

So the *Kalinin Bay* was no stranger to combat as she steamed some 60 miles east of the Philippine Island of Samar early on the morning of October 25, 1944. She already had operated off Leyte for more than a week. Her planes already had flown 244 sorties, destroying enemy installations and airfields on five different islands.

She was part of a small naval battle group nicknamed ''Taffy 3.'' It included 5 other escort carriers, plus a screen of 3 destroyers and 4 destroyer escorts. The carriers of ''Taffy 3'' were preparing to launch their first air strikes of the day when its commanding admiral learned that a sizable Japanese naval force was approaching. It was 0647 hours.

By 0658 hours, ''Taffy 3'' was under fire from part of the largest Japanese surface fleet to fight since the Battle of Midway, coming to keep the Americans out of the Philippines.

The ''Battle Off Samar'', as it would be called, was under way. It would be described by historians as one of the most memorable engagements in U.S. naval history.

The ships of ''Taffy 3'', slower, outnumbered and outgunned, soon were fighting for their lives against a force of four Japanese battleships, eight cruisers and 12 destroyers. The *Kalinin Bay* took the first of 15 direct hits at 0750 hours, a 14- or 16-inch shell from one of the battleships. It struck one side of the hangar deck near the forward elevator. A later hit penetrated the deck and destroyed all of the ship's radio and radar equipment.

Fortunately, some of the shells went right through the ship without causing significant damage. And even more fortunately, there were a great many near misses. The *Kalinin Bay* fought back hard. She launched her aircraft while under fire from three cruisers. She dodged behind a timely rain squall, then maneuvered behind chemical smoke. She traded fire with the cruisers for a while, then shot it out with Japan's Destroyer Squadron 10.

Her 5-inch gun stayed busy. It scored two hits on one heavy cruiser and hit a Japanese destroyer amidships. And her planes inflicted heavy damage, striking the enemy ships with bombs, rockets and gunfire.

The Japanese naval vessels turned away for ''Taffy 3'' after 2½ hours, but not before their destroyers launched a torpedo attack. The torpedoes were launched from far enough away to begin to slow before reaching their targets. So a U.S. Avenger torpedo-

bomber from a sister ship was able to explode two torpedoes in the *Kalinin Bay*'s wake about 100 yards astern, and the ship's 5-inch gun deflected another from a collision course with her stern.

Battered and bloody, the U.S. force sailed south, but there still would be little respite for the *Kalinin Bay* and her surviving sister ships. Little more than an hour later, at 1050, they cam under concentrated attack from kamikzae aircraft, the suicide bombers of World War II. Four kamikazes dived at the *Kalinin Bay*. Two of the airplanes were shot down at close range. The third crashed into one side of the flight deck, damaging it badly. The fourth destroyed the aft port stack.

It was finally over by 1130 hours. The ships and planes of ''Taffy 3,'' with some help from the planes of another unit, ''Taffy 2'', had cleared the air of enemy planes and had denied the powerful Japanese force entry into the Gulf of Leyte.

MacArthur's beachhead was safe.

The price had been high. Five of ''Taffy 3's'' 13 ships had been sunk—two carriers, a destroyer and two destroyer escorts. Hundreds of American sailors had died. The *Kalinin Bay* counted five dead among her 60 casualties, plus considerable structural damage.

During the hours of intense, furious fighting, the gunnery officer of the *Kalinin Bay* never wished he was back in that office in Chicago.

The *Kalinin Bay* managed to make it to New Guinea for temporary repairs. The ship was back in the States by late November and he transferred off as it awaited further work. Shipmates had died in several battles. He had been frightened at times and his faith in God had been tested. But he had come through without a scratch and with his faith stronger than ever.

''You realized your Christian faith was the most important thing you could have,'' he would say. ''In combat I felt like I was sent there for a purpose. I felt like God's hand was holding me the whole time; I really did.''

He was ready for his next assignment.

It was to the Midway, a much larger aircraft carrier that soon was to be commissioned at Newport News, VA. The idea was for the Midway to sail around the Horn and into the Pacific, where it would be a powerful additional force. By the time the Midway was commissioned September 10, 1945, that assignment was unnecessary. Gen. MacArthur had accepted Japan's unconditional surrender on September 2 aboard the Battleship Missouri in Tokyo Bay. The war was over.

The Midway would have a lasting impact on his life, though. A fellow naval officer needed tickets to the commissioning ceremony for house guests, and he was glad to oblige. Among the guests he met the lovely young woman from Tuscaloosa who would become his wife.

They married shortly after he got out of the Navy. Duty done and a bit older, the young man who had loved his country so much that he was determined to fight for it turned his attention to a successful business career; helped raise two beautiful daughters, and became a highly respected community leader.

He became a stalwart of this church, a wise, practical leader who has given of himself, grown and thrived on his ability to seek and receive more insights. His faith has been unwavering, even during the painful ordeal of one daughter's untimely death.

People who know him will tell you he is a man of high intelligence, great character, impeccable integrity, calm consistency and complete credibility. They will also tell you he hard-working, caring, considerate, loyal and a Southern gentleman in the best sense of that definition.

He's a man who still greatly loves his family and his hometown and the United States of America and what it stands for, what he fought for.

A patriot.

A man who reminds us in his modest, unassuming way that patriotism isn't some mysterious, exotic condition. It is simple and fundamental and powerful. It springs from fervent love for your country, love for freedom. It is in your heart and spirit and actions, just like it always has been in his.

This sanctuary hasn't lacked for patriots and heroes to sit in its pews to worship God over the decades. Many who fit that description are here today, as you are most Sundays.

I salute you. And I salute Harlan Meredith, who story I'm sure some of you recognized. I also thank him for his graciousness in sharing it with me, at my request, so I could share it with you today.

Incidentally, Harlan and Mary Anne have been married for 57 years now. That's worth a salute, too. Our church, community and country has been blessed to have people like Harlan, and you.

This, too, is a special time in our country's history. Again we are at war. Almost every day more of our soldiers pay the ultimate price for our country, leaving saddened survivors to live with the aftermath. It makes this Independence Day weekend all the more meaningful. I pray it also makes us all the more thankful for our blessings.

And the United States of America truly has been blessed these 227 years, perhaps most of all with the courageous, hard-working, God-loving people who have built and maintained this great country of liberty and justice. People who have been willing to sacrifice and fight for it, as so many continue to do today. Patriots.

We aren't perfect as a country. But to the extent mere humankind can be, the good part of the United States of America is both the light and the hope of the world. May God bless you; may God continue to bless America; and may we never forget from Whom our blessings flow.

I don't think Harlan Meredith ever has.●

MESSAGE FROM THE HOUSE

At 3:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2754. An act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

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 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.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2754. An act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1434. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–221. A joint resolution adopted by the Assembly of the State of Nevada relative to payments for the detrimental effects of federally held lands in Nevada; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 6

Whereas, An average of 52 percent of the land in 13 western states is held by the Federal Government, while the Federal Government holds an average of only 4.1 percent of the land in the remaining 37 states; and

Whereas, In Nevada, approximately 87 percent of the land, which amounts to approximately 61 million acres, is held by the Federal Government; and

Whereas, In 15 of the 17 counties in Nevada, more than 50 percent of the land is held by the Federal Government, and in 4 of the 17 counties, more than 90 percent of the land is held by the Federal Government; and

Whereas, The management and control of such an extensive amount of the land in Nevada by the Federal Government has had substantial adverse effects on Nevadans; and

Whereas, When the Territory of Nevada was admitted to statehood on October 31, 1864, the Federal Government provided the newly admitted state with 2 sections of land in each township for the benefit of common schools, which amounted to 3.9 million acres, while other states that were subsequently admitted to statehood received 4 sections of land in each township for the benefit of common schools; and

Whereas, In 1880, it was necessary for Nevada to agree to exchange its 3.9 million acres for only 2 million acres of its own selection as Nevada had an immediate need for public school revenues and the land originally granted by the Federal Government to Nevada for common schools was not providing sufficient revenue because it included many undesirable sections that were on steep mountainsides or salt flats, the sections of the land could not be received from the Federal Government until they were surveyed and only a small fraction of the land had been surveyed and sold; and

Whereas, The disproportionately small amount of land received from the Federal Government for the benefit of common schools contributes only a small amount of revenue for the schools in Nevada in comparison to other states, and places and excessive burden on the financial resources of each county in Nevada; and

Whereas, Because the land held by the Federal Government is exempt from property taxes, the management and control of such an extensive amount of land in Nevada by the Federal Government has the effect of worsening the tremendous fiscal burdens experienced by counties in Nevada for those counties with a considerable amount of federally held land located within their boundaries; and

Whereas, The annual impact of this property tax exemption in the western states has been estimated at billions of dollars, which greatly hinders the ability of those western states, including Nevada, to develop and prosper economically; and

Whereas, In 1976, Congress enacted Public Law 94–595, which is codified as 31 U.S.C. §§6901 to 6907, inclusive, and as amended, is commonly known as the Payments In Lieu of Taxes Act; and

Whereas, The Act requires the Federal Government to make annual payments to local governments to compensate the local governments for the loss of revenue they experience because of the presence of land within their boundaries that is held by the Federal Government; and

Whereas, Congress appropriates money each year that the Bureau of Land Management distributes to each of the 17 counties in the State of Nevada pursuant to several statutory formulas set forth in the Act; and

Whereas, The annual payments received by the counties in Nevada pursuant to the Act are significantly less than the annual revenue that those counties could collect from property taxes if the land held by the Federal Government were privately held; and

Whereas, From the inception of the payments in 1977 to the end of the 2001–2002 Fiscal Year, the money appropriate by Congress has been insufficient to provide full payment to the counties in Nevada pursuant to the statutory formulas; and

Whereas, Even though Nevada is the state with the second highest percentage of land held by the Federal Government, Nevada only ranks as the eighth highest state in terms of the amount of the payments it receives from the Bureau of Land Management pursuant to the Act because the statutory formula set forth in 31 U.S.C. §6903 is based in part on the population of the local government that will be receiving the payments, and 14 of the 17 counties in Nevada have populations that are less than 50,000; and

Whereas, Another example of the adverse effects of the management and control of the extensive amount of land in Nevada held by the Federal Government is the management and control of the Nevada Test Site, which was established in December 1950, by President Truman, upon the recommendation of the Atomic Energy Commission, as the location at which nuclear weapons testing would be conducted within the continental United States; and

Whereas, Approximately 5,470 square miles of federally held land in Nevada was used to provide:

1. The Nevada Test Site, which is owned and controlled by the United States Department of Energy and encompasses approximately 1,350 square miles of desert and mountainous terrain, an area which is larger than the State of Rhode Island; and

2. An additional 4,120 square miles of unpopulated land area surrounding the site which was withdrawn from the public domain for use as a protected wildlife range and for a military gunnery range; and

Whereas, More than 1,100 nuclear weapons tests were conducted at the Nevada Test Site, located 65 miles northwest of Las Vegas Nevada, before the Limited Test Ban Treaty, which effectively banned atmospheric testing of nuclear weapons, was signed on August 5, 1963; and

Whereas, While the primary mission of the Nevada Test Site has been the testing of nuclear weapons, after the signing of the Limited Test Ban Treaty in 1963 and the initiation of a voluntary worldwide moratorium on nuclear weapons testing in 1992, the Nevada Test Site has been used for other purposes, including, without limitation, hazardous chemical spill testing, emergency response training, conventional weapons testing, conducting studies relating to waste management and environmental technology, and storing low-level waste; and

Whereas, In 1978, the United States Department of Energy established two Radioactive Waste Management Sites at the Nevada Test Site which have received approximately 21 million cubic feet of low-level waste for disposal from 1978 until the present, making the Nevada Test Site one of the largest regional low-level waste storage facilities in the country; and

Whereas, Because the Nevada Test Site is centrally located within the Death Valley regional ground-water flow system, which includes much of southern Nevada and the Death Valley region of eastern California, the residents of Nevada and California are subject to risks from subsurface contaminants that may be transported from the Nevada Test Site by ground water as a result of past and future activities conducted at the Nevada Test Site; and

Whereas, The residents and resources of Nevada may be exposed to additional risks because most of the ground water leaving the ground-water flow system is limited to local areas where geologic and hydrologic conditions force ground water upward toward the surface to discharge at springs and seeps; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the 72nd Session of the Nevada Legislature hereby urge Congress to:

1. Authorize the transfer of land in Nevada from the Federal Government to the State of Nevada in the amount necessary to provide Nevada with the same amount of land received by the states that received 4 sections of land for the benefit of common schools upon admission to statehood;

2. Either:

(a) Amend 31 U.S.C. §6906 to provide permanent funding in the amount necessary to carry out the Payments In Lieu of Taxes Act as set forth in 31 U.S.C. §§6901 to 6097, inclusive; or

(b) Appropriate for distribution to the counties in the State of Nevada a sufficient amount of money each fiscal year to provide the entire amount of the payments required by the statutory formulas set forth in the Payments In Lieu of Taxes Act;

3. Amend 31 U.S.C. §6903 by deleting the current population-based statutory formula and replacing it with a provision that authorizes the Secretary of the Interior to compensate the counties in Nevada and the local governments of other states in an amount that is equal to the amount that those counties and other local governments would be able to collect in property taxes if the land held by the Federal Government were privately held; and

4. Either:

(a) Authorize the transfer of an additional 5,470 square miles of land in Nevada and any water rights appurtenant thereto from the Federal Government to the State of Nevada to fairly compensate Nevada for the approximately 5,470 square miles of land that were withdrawn from the public domain for the purpose of establishing the Nevada Test Site; or

(b) Appropriate for distribution to the State of Nevada the amount of money necessary to fairly compensate Nevada for the approximately 5,470 square miles of land that were withdrawn from the public domain for the purpose of establishing the Nevada Test Site and any detrimental effects to that land and to the Death Valley regional groundwater flow system that resulted from the activities conducted at the Nevada Test Site; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Energy, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–222. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to a special highway appropriation amendment; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, DeSoto, Concordia, and Morehouse parishes have been declared economically deprived areas; and

Whereas, DeSoto, Concordia, and Morehouse parishes are attempting to help themselves economically with ambitious, parishwide projects for industrial development; and

Whereas, successful industrial development requires good, four-lane highways and other infrastructure; and

Whereas, the DeSoto Industrial Board has proposed to the voters, to be decided on October 20, 2001, what is tantamount to a 6.5 mills ad valorem tax to finance up to three major industrial parks; and

Whereas, plans have already been approved to build a four-lane bridge over the Sabine River on U.S. Highway 84 at Logansport, Louisiana; and

Whereas, a four-lane highway connecting I–49 to the four-lane U.S. Highway 59 leading to Houston, Texas, and beyond, would provide a tremendous economic boom to Louisiana, Texas, and the nation; and

Whereas, to four-lane a highway on U.S. Highway 65 in Clayton, Louisiana, in Concordia Parish north to the Arkansas state line and to four-lane a highway on U.S. Highway 425 from Bastrop in Morehouse Parish to the Arkansas state line would provide a tremendous economic boom to one of the most economically depressed areas in the state and the nation: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support a special highway appropriation amendment to four-lane approximately forty miles of U.S. Highway 84 from I–49 near Mansfield, Louisiana, to Tenaha, Texas, where it intersects U.S. Highway 59, which is four-laned to Houston, Texas, and to four-lane U.S. Highway 65 in Clayton, Louisiana, in Concordia Parish north to the Arkansas state line and four-lane U.S. Highway 425 from Bastrop in Morehouse Parish to the Arkansas state line, be it further

Resolved, That a copy of this resolution be transmitted to the presiding officers of the Senate and the House of Representatives of

the Congress of the United States of America and to each member of the Louisiana congressional delegation.

PM—223. A resolution adopted by the Senate of the Legislature of the State of Wisconsin relative to the twenty-seventh year of military occupation of Cyprus; to the Committee on Foreign Relations.

SENATE RESOLUTION 11

Whereas, the Republic of Cyprus has been divided and occupied by foreign forces since 1974, in violation of United Nations' resolutions; and

Whereas, the international community and the U.S. government have repeatedly called for the withdrawal of all foreign military forces from the territory of Cyprus; and

Whereas, there are internationally acceptable means to resolve the situation in Cyprus, including demilitarization and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

Whereas, a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit security, as well as the political, economic, and social well-being of all Cypriots, while contributing to improve relations between Greece and Turkey; and

Whereas, the United Nations has repeatedly stated the parameters for such a solution, most recently in the United Nations Security Council Resolution 1217, which was adopted on December 22, 1998, with United States support; and

Whereas, the United Nations Security Council Resolution 1218 adopted on December 22, 1998, calls for reduction of tensions in the island, through a staged process aimed at a limited and then substantially reduced level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

Whereas, President Bush wholeheartedly supported resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it; now, therefore, be it

Resolved by the senate, That the member of the Wisconsin senate endorse President Bush's commitment to undertake significant efforts in order to promote substantial progress towards a solution of the Cyprus problem in 2001, so that all in Cyprus may enjoy rights and freedoms regardless of their ethnic origins; and, be it further.

Resolved, That the senate chief clerk shall provide a copy of this resolution to the president and secretary of the U.S. Senate, to the speaker and clerk of the U.S. House of Representatives, and to each member of the congressional delegation from this state attesting the adoption of this resolution by the 2001 senate of the state of Wisconsin.

POM–224. A joint resolution adopted by the Assembly of the State of Nevada relative to prescription drugs in the Medicare program; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, Prescription medications are vital to health care today; and

Whereas, Medicare represents a critically important source of health insurance for older residents of Nevada and for residents of Nevada with certain disabilities, and the coverage provided through Medicare does not provide coverage for prescription drugs; and

Whereas, Most beneficiaries of Medicare who seek coverage for prescription drugs are required to obtain private or public supplemental coverage to cover prescription drugs; and

Whereas, According to the results of a study conducted by the American Association of Retired Persons (AARP) and contained in the AARP Public Policy Issue Brief #IB41, consisting primarily of data collected in 1999 and based on an average of the different levels of income as a percentage of the federally designated level signifying poverty, beneficiaries of Medicare who are 65 years of age or older spent an average of approximately $2,500 per year, or 19 percent of their income, on out-of-pocket health care expenses; and

Whereas, According to the AARP study, prescription drugs constitute the largest component of out-of-pocket spending on health care by beneficiaries of Medicare, averaging approximately 17 percent of the total out-of-pocket spending on health care and accounting for more than the costs of physician care, vision services and medical supplies combined; and

Whereas, According to the study, the total spending on prescription drugs in the United States grew by approximately 13 percent per year between 1993 and 2000 and is expected to grow by approximately 12 percent per year through 2011; and

Whereas, According to the study, beneficiaries of Medicare made up approximately 15 percent of the population in 1999, but accounted for approximately 40 percent of the total spending on prescription drugs in the United states; and

Whereas, According to the study, beneficiaries of Medicare with supplemental coverage for prescription drugs are at risk of losing such coverage, as evidenced by a decrease of coverage of prescription drugs offered by certain employers from 31 percent in 1997 to 24 percent in 2001 and a decrease of coverage offered under certain Medicare plans for prescription drugs from 65 percent in 1999 to 50 percent in 2002; and

Whereas, Many older or disabled residents of Nevada who receive Medicare benefits cannot afford supplemental coverage for prescription drugs: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the 72nd Session of the Nevada Legislature urge Congress to provide a comprehensive universal plan for the uniform coverage of prescription drugs within the Medicare program that will provide beneficiaries of Medicare with stable access to prescription drugs on a voluntary basis, without extraordinary out-of-pocket costs and without unreasonable premiums, deductibles or copayments; and be it further

Resolved, That the program of prescription drug coverage for Medicare beneficiaries should have no requirement relating to the use of state funds now used for existing State programs; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, that this resolution becomes effective upon passage.

POM–225. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to tariff rate quotas for the importation of dry milk protein concentrates; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, The dairy industry has been significantly impacted in recent years by the rising use of dry milk protein concentrates (MPCs). The technology that makes possible the ultrafiltration process that separates proteins and the other components of milk was not fully developed when the General Agreement on Tariffs and Trade (GATT) was finalized in 1994. As a result, there are almost no restrictions on the importation of MPCs. This is causing serious damage to the domestic dairy industry; and

Whereas, According to the General Accounting Office report on dairy products, the volume of MPC imports grew from 805 metric tons in 1990 to 44,878 in 1999. The quotas set under GATT in 1994 are clearly not comprehensive enough for the forms in which some dairy products are imported today. Foreign exporters are known to blend dairy proteins for the purpose of circumventing existing tariff rate quotas; and

Whereas, In the 108th Congress, legislation has been introduced to establish tariff rate quotas for MPCs. With the enactment of legislation to close this loophole, American agriculture will be able to complete on a more equal basis. The overall benefits, to our national economy and the domestic dairy industry, will strengthen a vitally important industry and restore the stability of the marketplace; now, therefore, be it

Resoloved by the house of representatives (the senate concurring), That we memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–226. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to relief of the cost for prescription drugs in the Medicare program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 106

Whereas, Medicare is the largest program providing medical and health-related services to America's poorest people; and

Whereas, seniors make up thirteen percent of the population but account for forty-two percent of the country's spending on medicines; and

Whereas, in Louisiana in 2001, thirteen percent of those enrolled in Medicare were elderly; and

Whereas, last year the drug industry raised prices an average of four percent, twice the rate of inflation: Therefore be it

Resolved, That the Legislature of Louisiana hereby memorializes the United States Congress to pass legislation giving relief from high prescription drug prices to seniors on Medicare; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States and to each member of the Louisiana congressional delegation.

POM–227. A concurrent resolution adopted by the House of Representatives of the of the Legislature of the State of Louisiana relative to social security benefits for those receiving benefits from federal, state, or local government retirement systems; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 178

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor social security benefit, and the Windfall Elimination Provision (WEP), reducing the earned social security benefit for persons who also receive federal, state, or local retirement; and

Whereas, the intent of Congress in enacting the GPO and WEP provisions was to address concerns that public employees who had worked primarily in federal, state, and local government employment receive the same benefit as workers who had worked in covered employment throughout their careers, thereby providing a disincentive to ''double dipping''; and

Whereas, the GPO affects a spouse or survivor receiving federal, state, or local government retirement benefits who would also be entitled to a social security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor social security benefit by two-thirds of the amount of the federal, state, or local government retirement benefit received by the spouse or survivor, in many cases completely eliminating the social security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in covered employment and paying into the social security system; and

Whereas, the WEP reduces the earned social security benefit using an averaged indexed monthly earnings formula and may reduce social security benefits for such persons by as much as one-half of the uncovered public retirement benefits earned; and

Whereas, because of these calculation characteristics, the GPO and WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, and teachers; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens and to encourage them to live here life-long: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and WEP social security benefit reductions and to consider eliminating them; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to each member of the Louisiana congressional delegation, and to the school boards of Beauregard, Rapides and Vernon parishes.

POM–228. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to Section 418(d)(6)(C) of Title 42 of the United States Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, Section 418(d)(6)(C) of Title 42 of the United States Code applies to the states of Alaska, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington, and Wisconsin and allows each of these states to divide the retirement system or systems established by the state or any political subdivision thereof into two parts; and

Whereas, one of the two parts of any such divided retirement system is composed of members who desire to participate jointly in both the state, statewide, or local retirement system and the federal social security system and the second part of any such divided retirement system is composed of members who desire to participate solely in the state, statewide, or local retirement system but not in the federal social security sytem; and

Whereas, the due process clause of the Fifth Amendment to the Constitution of the United States has been held to contain an equal protection component, vesting all citizens of the United States with the right to equal protection of the laws of this country; and

Whereas, the provisions of Section 418(d)(C)(6) of Title 42 of the United States Code confer certain rights on the citizens of twenty-one states, while simultaneously depriving the citizens of the state of Louisiana of the same rights without expressly stating a compelling reason for the unequal treatment of those citizens who are deprived of their constitutional right to equal protection under that law.

Whereas, the United States Congress is currently considering United States House Resolution No. 743 which would add the state of Kentucky to the state allowed to have a divided retirement system: Therefore be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to amend the provisions of Section 418(d)(6)(C) of Title 42 of the United States Code to allow the state of Louisiana the right to divide the retirement system or systems established by the state or any political subdivision thereof into two parts, the first part being composed of members who desire to participate jointly in both the state, statewide, or local retirement system and the federal social security system and the second part of any such divided retirement system to be composed of members who desire to participate solely in the state, statewide, or local retirement system but not in the federal social security system; be it further

Resolved, The members of the Louisiana Congressional delegation are hereby urged and requested to take action to include the state of Louisiana in the states permitted to have a divided retirement system, either by amending House Resolution No. 743 or other federal legislation; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–229. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to tax credits for diesel and gasoline refined from wood bio-mass; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 145

Whereas, gasoline and diesel fuel for vehicular use are in short supply and constitute a sizable portion of domestic petroleum consumption; and

Whereas, in light of greenhouse effects produced during refining operations, all refining methods and materials should be considered by producers of gasoline and diesel fuel; and

Whereas, under current federal laws and regulations, producers of gasoline and diesel fuel refined from corn and grain are eligible to receive federal motor fuels tax credits; and

Whereas, wood bio-mass is now being used in increasing instances by producers of gasoline and diesel fuel in their refining process; and

Whereas, under current federal laws and regulations, producers of gasoline and diesel fuel refined from wood bio-mass are not eligible to receive federal motor fuels tax credits; and

Whereas, the granting of federal motor fuels tax credits for diesel and gasoline refined from wood would have a positive effect on the environment and increase the availability of fuel for vehicular use: Therefore be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to support any proposed federal laws, rules or regulations that would grant federal motor fuels tax credits for diesel and gasoline refined from wood bio-mass materials; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional Delegation.

POM–230. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to restoring proposed cuts to the 21st Century Community Learning Centers Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 55

Whereas, The proposed federal budget includes a $400 million cut in the 21st Century Community Learning Centers program for after-school programs; and

Whereas, The proposed cut undermines the goals of the ''No Child Left Behind'' Act to help children succeed academically and enhance their reading and writing skills; and

Whereas, The proposed cut would directly affect programming for over 20,000 high-risk youth in Michigan, through an estimated $15,688,256 loss of funding; and

Whereas, Many research studies indicate that children who consistently attend after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct compared to those children not involved in programs; and

Whereas, Juvenile crime soars in the hours immediately after the bell rings, and after-school programs prevent juvenile delinquency and victimization of youth; and

Whereas, 21st Century Community Learning Centers actively engage parents as partners in their children's education and seek to strengthen the bonds between home and school; and

Whereas, 21st Century Community Learning Centers in Michigan are successful in reducing school absenteeism, improving reading scores, and providing a safe place for children during peak juvenile crime hours; and

Whereas, 21st Century Community Learning Centers align their curriculum with the school day curriculum through fun and experimental learning activities; and

Whereas, The state of Michigan has begun the implementation of the 21st Century Community Learning Centers and sees these centers as one of the best sustainable means to offer quality after-school programs to the greatest number of high-risk youth in the state; and

Whereas, On April 10, 2003, the Michigan House of Representatives, knowing the value of after-school programs, passed House Resolution 26, on the ''Michigan After-School Initiative,'' to call for the creation of a task force to assess the status of after-school programming in Michigan and to develop a plan to ensure access to after-school programs for every school-age child in Michigan; and

Whereas, 21st Century Community Learning Centers promote an active level of community partnership and collaboration among providers to best serve children; and

Whereas, Polls show that 92% of Americans believe there should be organized activities for children and teens during after-school hours: Now, therefore, be it

Resolved by the house of representatives; That we memorialize the Congress of the United States to restore the proposed $400 million cut to the 21st Century Community Learning Centers program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, July 1, 2003.

POM–231. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to partial birth abortions; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, partial birth abortion shall mean an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery; and

Whereas, in a partial birth abortion, the physician pulls the baby out of the womb and into the birth canal, leaving the head lodged just inside the cervix; and

Whereas, the physician then punctures the base of the skull and inserts a catheter into the wound, removing the baby's brain and causing the skull to collapse; the physician then completes the delivery of the now-dead baby; and

Whereas, although partial birth abortions are usually performed in the fifth and sixth months of gestation, the procedure has been used in the third trimester of pregnancy; and

Whereas, experts agree that with current medical technology, a normal fetus in the twenty-first week of gestation is capable of sustaining life outside the womb; and

Whereas, under both federal and most state laws, a live birth occurs when a baby is entirely expelled from the womb, shows any signs of life, and is developed enough to be sustained outside the womb with neonatal medical assistance; and

Whereas, it is estimated that three thousand to five thousand partial birth abortions are performed annually, sometimes in the seventh month or later; and

Whereas, although the procedure is sometimes performed in cases of fetal disorders or maternal distress, many partial birth abortions are performed on healthy babies of healthy mothers: Therefore be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to vote to ban partial birth abortions; be it further

Resolved, That a copy of this Resolution be transmitted to the residing officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–232. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Federal Prison Industries; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 37

Whereas, In 1934, Federal Prison Industries (FPI) was created as a government corporation. This system operates more than 100 factories, utilizes more than 20,000 inmate workers, and compiles total sales of approximately $500 million annually from over 150 products; and

Whereas, While the role that FPI plays in promoting the development of marketable skills among inmates has clear merits, this operation enjoys unfair advantages over private sector manufacturers. Even beyond the obvious wages and benefits advantages inmate workers offer, other factors favor FPI. This is especially true through certain governmental procurement policies, including a ''mandatory source'' requirement that severely limits competition; and

Whereas, Michigan is harmed significantly by the advantages FPI has over private manufacturers, especially within the furniture industry. Thousands of Michigan workers have lost their jobs in recent years, and the favorable policies for FPI are major contributing factors in these job losses; and

Whereas, In the past, legislation has been considered in Congress to address directly the issue of the preferential treatment afforded FPI in bidding for government contracts. This unfair situation needs to be corrected to preserve jobs and the restore fairness in the marketplace; now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–233. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the ratification of an amendment to the Constitution to prohibit desecration of the American flag; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 80

Whereas, Throughout our history, the American flag has held a unique place of respect and affection among our people. This symbol of our shared ideals and aspirations has taken on even greater meaning in the wake of the September 11, 2001, attacks and through our growing appreciation of the suffering of the men and women who have made immeasurable sacrifices to preserve our liberties; and

Whereas, In recent years, there has been considerable debate over the idea of extending constitutional protection to the flag. The people of our country strongly support establishing special protections for our national symbol. Extending this status to our most cherished symbol would only accord due recognition to a unique component of our national identity; and

Whereas, Debate on the issue of creating a constitutional amendment to prohibit desecration of our flag often centers on what constitutes freedom of expression and free speech. In this discussion, it is important to realize that a prohibition on flag desecration would not eliminate or restrict other avenues of expression or protest. Thoughtful citizens do not equate providing protection for the flag with the removal of freedom of speech any more than laws generally provide acceptable limits of behavior for the common good; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to prohibit the desecration of the American flag; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 481. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes (Rept. No. 108–108).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. HAGEL, and Mr. BINGAMAN):

S. 1432. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. GREGG):

S. 1433. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for Mrs. LINCOLN):

S. 1434. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; read the first time.

By Mr. SESSIONS (for himself, Mr. KENNEDY, Mr. DEWINE, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 1435. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; considered and passed.

By Mr. NELSON of Florida (for himself, Mr. GRAHAM of Florida, Mr. DASCHLE, and Mr. JOHNSON):

S. 1436. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 788

At the request of Mr. HOLLINGS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 788, a bill to enable the United States to maintain its leadership in aeronautics and aviation.

S. 788

At the request of Mr. BROWNBACK, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 788 , supra.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 982 , a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1273

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1273, a bill to provide for a study to ensure that students are not adversely affected by changes to the needs analysis tables, and to require the Secretary of Education to consult with the Advisory Committee on Student Financial Assistance regarding such changes.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1333

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1396

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1400

At the request of Ms. SNOWE, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1400, a bill 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, and for other purposes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1419

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S.J. RES. 17

At the request of Mr. DORGAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Ms. CANTWELL), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Mr . LEVIN) were added as cosponsors of S.J. Res. 17, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Mr. BREAUX), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. KOHL), the Senator from Kentucky (Mr. BUNNING) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 153

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate that changes to athletics policies issued under title IX of the Education Amendments of 1972 would contradict the spirit of athletic equality and the intent to prohibit sex discrimination in education programs or activities receiving Federal financial assistance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. HAGEL, and Mr. BINGAMAN):

S. 1432. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I want to talk about two things: One is strictly domestic and another is international.

First, I am introducing a bill today in behalf of myself, Senator HAGEL, and Senator BINGAMAN.

I will start this discussion with a chart. The dark brown on this map are counties in these United States—you will note that they are predominantly in the West—with arsenic concentrations exceeding 10 parts per billion or more in the water sampling. The little bit lighter ones are counties with 5 parts per billion. The little bit lighter ones are counties with 3 parts per billion. And, the very light ones are counties with fewer than 10 parts per billion.

Arsenic is a very prevalent compound or chemical in the United States. Communities in the State of New Mexico and throughout the country are going to face, very soon, a very costly situation not of their own making. Beginning in the year 2000, Federal drinking water regulations established by the Environmental Protection Agency will require substantial reductions in the amount of arsenic present in water.

Today, the limit is 50 parts per billion. In 2006, it will become 10 parts per billion.

When I was referring a while ago to these colorations, this dark brown is parts per billion. Today the limit is 50. In 2006, it will become 10 parts per billion. Arsenic is indeed poisonous if used in large amounts. It is naturally occurring, however, in much of the ground water throughout the Nation.

That means there have been people living for as long as they have lived in areas that have naturally occurring arsenic in the ground water. Believe it or not, fellow citizens, they have been drinking that water.

What is so strange about it is that we don't have any evidence it has been killing them. We don't have any evidence it has been hurting them. But actually there are scientific tests on which the Environmental Protection Agency relied, I regret to tell you, that, in this Senator's opinion, are very meager in terms of their strength, and they predominate in foreign countries. However, the law has been interpreted to say that, in 2006, drinking water systems will be down to 10 parts per billion or they will be in violation of this Federal law.

In my home city of Albuquerque, which is shown on this second map I have put up—there is Albuquerque; you see there is the very dark brown—there are around 13 parts per billion. This illustrates the problem the new standard

will create. This bill recognizes that in some parts of the United States, and of my State, the burden will become so great that some communities just will not be able to bear it. They have to go through—at least today—a whole new cleanup system for their domestic water. Whatever they have been doing, they must do it all another way.

Although our scientists are busy at work, No. 1, trying to figure an easier way to clean it up, we are also having some of them busy at work trying to offer us more evidence that it is not dangerous to have Albuquerquians drink the water that must be cleaned up and water in water systems in many other parts of my State and in other parts of America.

But this bill goes on to say that small communities may not have the resources to meet these standards and may need help, and it creates a grant program for the small communities to help them upgrade these systems and ensures them that not less than 20 percent of the grant moneys go to communities with fewer than 50,000 residents. And the bill authorizes appropriations of $1.9 billion for fiscal year 2004 and for each year through 2009.

In New Mexico, the geology, the make up of the rocks and dirt, results in relatively high levels of arsenic in the groundwater. However, over time, New Mexico residents have not experienced higher levels of diseases associated with arsenic. Be that as it may, many small communities throughout New Mexico and the west will not be able to meet the financial burden. Because of this, I believe it is important to aid communities in meeting the coming standards. The financial burden facing many communities and individuals is great.

The new standards could cost New Mexico communities between $370 to $440 million to improve treatment systems, plus $18 million a year in operating costs.

Albuquerque, alone, is looking at having to spend $150 million to come into compliance. Its sister city, right across the river, Rio Rancho—our second largest city—is facing $60 million in improvements. And many individuals in small communities throughout the West are facing increases in their water bills of $50 to $90 a month just to pay for the cleanup. Most people cannot afford such an increase.

This legislation will help these communities in upgrading their systems and training their people. We are forcing communities to comply with drinking water standards that many believe will not increase public health. The least we can do is help them meet the burden.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to the printed in the RECORD, as follows:

S. 1432

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Drinking Water Assistance Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) drinking water standards proposed and in effect as of the date of enactment of this Act will place a large financial burden on many public water systems, especially those public water systems in rural communities serving small populations;

(2) the limited scientific, technical, and professional resources available in small communities complicate the implementation of regulatory requirements;

(3) small communities often cannot afford to meet water quality standards because of the expenses associated with upgrading public water systems and training personnel to operate and maintain the public water systems;

(4) small communities do not have a tax base for dealing with the costs of upgrading their public water systems;

(5) small communities face high per capita costs in improving drinking water quality;

(6) small communities would greatly benefit from a grant program designed to provide funding for water quality projects;

(7) as of the date of enactment of this Act, there is no Federal program in effect that adequately meets the needs of small, primarily rural communities with respect to public water systems; and

(8) since new, more protective arsenic drinking water standards proposed by the Clinton and Bush administrations, respectively, are expected to be implemented in 2006, the grant program established by the amendment made by this Act should be implemented in a manner that ensures that the implementation of those new standards is not delayed.

SEC. 3. ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.

(a) DEFINITION OF INDIAN TRIBE.—Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended in the second sentence by striking ''1452,'' and inserting ''1452 and part G,''.

(b) ESTABLISHMENT OF PROGRAM.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

''PART G—ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS

''SEC. 1471. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ACTIVITY.—

''(A) IN GENERAL.—The term 'eligible activity' means a project or activity concerning a small public water system that is carried out by an eligible entity to comply with drinking water standards.

''(B) INCLUSIONS.—The term 'eligible activity' includes—

''(i) obtaining technical assistance; and

''(ii) training and certifying operators of small public water systems.

''(C) EXCLUSION.—The term 'eligible activity' does not include any project or activity to increase the population served by a small public water system, except to the extent that the Administrator determines such a project or activity to be necessary to—

''(i) achieve compliance with a national primary drinking water regulation; and

''(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a small public water system that—

''(A) is located in a State or an area governed by an Indian Tribe; and

''(B)(i) if located in a State, serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be—

''(I) a disadvantaged community; or

''(II) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

''(ii) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under affordability criteria published by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—

''(I) a disadvantaged community; or

''(II) a community that the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.

''(3) PROGRAM.—The term 'Program' means the small public water assistance program established under section 1472(a).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Indian Health Service.

''(5) SMALL PUBLIC WATER SYSTEM.—The term 'small public water system' means a public water system (including a community water system and a noncommunity water system) that serves—

''(A) a community with a population of not more than 200,000 individuals; or

''(B) a public water system located in—

''(i) Bernalillo or Sandoval County, New Mexico;

''(ii) Scottsdale, Arizona;

''(iii) Mesquite or Washoe County, Nevada; or

''(iv) El Paso County, Texas.

''SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Administrator shall establish a program to provide grants to eligible entities for use in carrying out projects and activities to comply with drinking water standards.

''(2) PRIORITY.—Subject to paragraph (3), the Administrator shall award grants under the Program to eligible entities based on—

''(A) first, the financial need of the community for the grant assistance, as determined by the Administrator; and

''(B) second, with respect to the community in which the eligible entity is located, the per capita cost of complying with drinking water standards, as determined by the Administrator.

''(3) SMALL COMMUNITIES.—In making grants under this section, the Administrator shall ensure that not less 20 percent of grant funds provided for each fiscal year are used to carry out eligible activities in communities with a population of less than 50,000 individuals.

''(b) APPLICATION PROCESS.—

''(1) IN GENERAL.—An eligible entity that seeks to receive a grant under the Program shall submit to the Administrator, on such form as the Administrator shall prescribe (not to exceed 3 pages in length), an application to receive the grant.

''(2) COMPONENTS.—The application shall include—

''(A) a description of the eligible activities for which the grant is needed;

''(B) a description of the efforts made by the eligible entity, as of the date of submission of the application, to comply with drinking water standards; and

''(C) any other information required to be included by the Administrator.

''(3) REVIEW AND APPROVAL OF APPLICATIONS.—

''(A) IN GENERAL.—On receipt of an application under paragraph (1), the Administrator shall forward the application to the Council.

''(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after receiving the recommendations of the Council under subsection (e) concerning an application, after taking into consideration the recommendations, the Administrator shall—

''(i) approve the application and award a grant to the applicant; or

''(ii) disapprove the application.

''(C) RESUBMISSION.—If the Administrator disapproves an application under subparagraph (B)(ii), the Administrator shall—

''(i) inform the applicant in writing of the disapproval (including the reasons for the disapproval); and

''(ii) provide to the applicant a deadline by which the applicant may revise and resubmit the application.

''(c) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program shall not exceed 90 percent.

''(2) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

''(d) ENFORCEMENT AND IMPLEMENTATION OF STANDARDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall not enforce any standard for drinking water under this Act (including a regulation promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable, on—

''(A) the deadline specified in subsection (b)(3)(C)(ii), if the application is disapproved and not resubmitted; or

''(B) the date that is 3 years after the date on which the eligible entity receives a grant under this part, if the application is approved.

''(2) ARSENIC STANDARDS.—No standard for arsenic in drinking water promulgated under this Act (including a standard in any regulation promulgated before the date of enactment of this part) shall be implemented or enforced by the Administrator in any State until the earlier of January 1, 2006 or such date as the Administrator certifies to Congress that—

''(A) the Program has been implemented in the State; and

''(B) the State has made substantial progress, as determined by the Administrator in consultation with the Governor of the State, in complying with drinking water standards under this Act.

''(e) ROLE OF COUNCIL.—The Council shall—

''(1) review applications for grants from eligible entities received by the Administrator under subsection (b);

''(2) for each application, recommend to the Administrator whether the application should be approved or disapproved; and

''(3) take into consideration priority lists developed by States for the use of drinking water treatment revolving loan funds under section 1452.

''SEC. 1473. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $1,900,000,000 for each of fiscal years 2004 through 2009.''.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. GREGG):

S. 1433. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I rise today to introduce the Upper Connecticut River Partnership Act that will help bring recognition to New England's largest river ecosystem and help the communities along the river protect and enhance their natural, cultural and recreational resources. I am pleased to add Senators JEFFORDS and GREGG as original cosponsors of this bill.

For years, our offices and our States have worked together to help communities on both sides of the river develop local partnerships to protect the Connecticut River valley of Vermont and New Hampshire. This valley is a scenic region of historic villages located in a working landscape of farms and forests.

Citizens on both sides of the river know just how special this region is and have worked side by side for years to protect it. The two States came together to create the Connecticut River Joint Commissions, which help coordinate the efforts of towns, watersheds and other local groups to implement the Connecticut River Corridor Management Plan. This Plan has become the blueprint for how communities along the river can work together, with the States of Vermont and New Hampshire and with the Federal Government to protect the river's resources.

The Upper Connecticut River Partnership Act would help carry out the recommendations of the Connecticut River Corridor Management Plan and help communities along the river protect their cultural, natural and recreational resources. This Act would provide the Secretary of Interior with the ability to assist the States of New Hampshire and Vermont with technical and financial aid for the Upper Connecticut River through the Connecticut River Joint Commissions. The people living in the Upper Connecticut Watershed region would be able to learn about the river and be given knowledge on how to protect it. Also, the Act would assist local community efforts to continue cultural heritage outreach and education programs while enriching the recreational activities already active in the Connecticut River Watersheds of Vermont and New Hampshire.

The bill also will require that the Secretary of Interior establish a Connecticut River Grants and Technical Assistance Program to help local community groups develop new projects and build on existing ones to enhance the river basin. Over the next few years, I hope this bill will help bring new recognition to the Connecticut River as one of our Nation's great water resources.

By Mr. NELSON of Florida (for himself, Mr. GRAHAM of Florida, Mr. DASCHLE, and Mr. JOHNSON):

S. 1436. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes, and for other purposes; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. GRAHAM of Florida. Mr. President, when Congress enacted the Tax Reform Act of 1986, it was heralded for its simplicity, efficiency and fairness. Yet the legislation was not fair to states such as Florida that choose not to finance the government through the imposition of an income tax. Residents from these States are forced to pay a higher Federal income tax liability than comparable citizens of other States. This results from the 1986 Act's elimination of the Federal income tax deduction for State sales taxes.

Today, Senators NELSON of Florida, DASCHLE, JOHNSON and I are introducing the Sales Tax Equity act to remedy this inequity and lift our constituents from second-class status. The bill allows taxpayers to elect a deduct State and local sales taxes in lieu of a deduction for State and local income taxes. Although the election is available to residents of all States, the practical effect of the bill is to make the deduction for State taxes available to residents of States with no State income tax. Residents from these States should not be forced to pay higher Federal tax bills simply because their State government's funding does not derive from an income tax.

To avoid burdensome record-keeping requirements, the deduction for State and local sales taxes would be determined by tables produced by Treasury. Those tables will take into consideration the sales tax rates in the various States and average consumption.

The Joint Committee on Taxation estimates the cost of restoring this fairness to the citizens of non-income tax States at $26 billion over ten years. Under most circumstances it should not be incumbent upon those of us who are trying to restore equity in our Federal tax laws to find offsets for this cost. The problem we face, however, is that last week the Office of Management and Budget announced that the deficit for this year would be 455 billion dollars—165 billion dollars greater than the previous record deficit. The fiscal hole in which we now find ourselves—primarily as a result of the fiscal mismanagement of the Bush Administration—places an extra burden on us. The responsible approach to fixing this problem, therefore, requires us to put together a proposal that will not exacerbate the deficit. Fortunately, offsets exist that will fully offset the cost of the restored sales tax deduction and improve the Nation's tax laws by making it tougher for taxpayers to avoid paying their fair share.

In his last report to the IRS Oversight Board, former Commissioner Rossotti identified corporate tax shelters as one of the top problems facing the IRS. To combat this growing problem, the bill includes measures to crack down on the proliferation of tax shelters. The purpose of these provisions is to reinforce the Treasury department's administrative enforcement regime. A key element of the Service's enforcement regime is their ability to detect potentially abusive transactions. Thus, the bill promotes disclosure of such transactions through a framework of increased penalties and limited defenses in the event of nondisclosure.

The legislation also clarifies the judicially created doctrine of economic substance and imposes a new 40 percent strict-liability penalty for those transactions that fail this new requirement. Clarification of the economic substance doctrine requires that the taxpayer establish that (1) The transaction changes in a meaningful way, apart from the Federal income tax consequences, the taxpayer's economic position, (2) the taxpayer has a substantial non-tax purpose of entering into the transaction, and (3) the transaction is a reasonable means of accomplishing such non-tax purpose.

In addition to cracking down on potentially abusive transactions, our bill will shut down known abusive transactions. Last year, at the request of the Chairman and Ranking Members of the Senate Committee on Finance, the Joint Committee on Taxation investigated Enron's tax returns. One of the areas on which the Joint Committee focused was the tax shelter arrangements, offshore entities, and special purposes entities that Enron used to reduce its tax liability. The Joint Committee issued its report on this investigation on February 13, 2003 and included recommendations for shutting down some of the tax shelters used by the company. This legislation includes those recommendations.

The legislation also eliminates incentives in our tax code that encourage individuals and corporations to renounce their U.S. citizenship to avoid paying U.S. tax. For individuals, the legislation generally subjects U.S. citizens who relinquish their U.S. citizenship and certain long-term U.S. residents who terminate their U.S. residence to tax on the net unrealized gain in their property as if such property were sold at fair market value on the day before the expatriation or residency termination. Only a gain in excess of $600,000, $1.2 million for a married couple, is subject to tax.

The legislation also establishes new rules to thwart efforts by some U.S. corporations to reincorporate in a foreign country in order to avoid paying U.S. tax. These proposals are identical to legislation passed previously by the Senate.

There is one additional, and crucial, benefit of our legislation. It will not slow down the current conference negotiations on legislations extending the child credit expansion to low-income families. As my colleagues know, legislation resolving this matter has passed both the House and Senate and the differences between the two bills must be reconciled. It is important for that legislation to get resolved as soon as possible so that the IRS has ample time to send checks out to these families this summer. Some have suggested that resolution of the sales tax issue—a matter not included in either the House or Senate bill—be attached to the child credit bill. I fear that such an attempt would further complicate resolution of that important legislation.

I hope our colleagues will look upon this legislation in the spirit with which it is offered. It is fundamentally unfair that for the past seventeen years the residents of our States have faced higher Federal income tax liabilities than their fellow citizens living in other States. We feel that we have structured our legislation in a manner that corrects this inequity without jeopardizing the tax benefits available to residents of other States. Furthermore, the bill is fiscally responsible and improves the tax system by making it more difficult for those who would use tax shelters and other devices to lower their taxes.●

AMENDMENTS SUBMITTED & PROPOSED

SA 1317. Mr. BYRD (for himself and Ms. STABENOW) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

TEXT OF AMENDMENTS

SA 1317. Mr. BYRD (for himself and Ms. STABENOW) proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, Line 6, insert the following:

TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $238,500,000, to remain available until December 31, 2004, of which not less than $100,000,000 shall be for border ports-of-entry infrastructure improvements, and not less than $138,500,000 shall be for staffing at the northern border.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $100,000,000, to remain available until expended, for air cargo security.

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $532,000,000 to remain available until December 31, 2004, of which not less than $57,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $460,000,000 shall be for shortfalls pursuant to Public Law 108–10, for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $15,000,000 for inter-city bus security grants for enhancing inter-city bus and facility protection against terrorists threats.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $70,000,000, to remain available until December 31, 2004, of which not less than $70,000,000 shall be for costs pursuant to Public Law 107–295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for the ''Office for Domestic Preparedness,'' $729,500,000: Provided, That of the amount made available under this heading: $250,000,000 shall be available for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711); $250,000,000 shall be for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security; $79,500,000 shall be for interoperable communications equipment; $150,000,000, to remain available through December 31, 2004, shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

OFFICE OF THE UNDER SECRETARY FOR INFORMATION

ANALYSIS AND INFRASTRUCTURE PROTECTION

For an additional amount for the ''Office of the Under Secretary for Information Analysis and Infrastructure Protection'', $80,000,000, to remain available until December 31, 2004, for chemical facility security assessments.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Monday, July 21 at 2 p.m. for a hearing titled, ''Oversight Hearing on Government Sponsored Enterprises: The Risks and Benefits to Consumers.''

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and intern be granted the privilege of the floor for the consideration of the fiscal year 2004 Homeland Security appropriations bill and any votes that may occur in relation thereto: Les Spivey, Rachelle Schroeder, Carol Cribbs, James Hayes, Josh Manley, and Elizabeth Ferriday Mansel.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that committee staff Alexa Sewell and Scott Nance and fellows on the staff of the Committee on Appropriations Peter Edge and Cynthia Stowe be granted the privileges of the floor during debate and rollcall votes on the fiscal year 2004 Homeland Security appropriations bill and the conference report thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TEXT OF H.R. 2658 AS PREVIOUSLY PASSED

On July 17, 2003, the Senate passed H.R. 2658, as amended, as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,282,764,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,309,791,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,994,426,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,993,072,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,584,735,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,027,945,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $587,619,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,332,301,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,598,504,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,228,830,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,034,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $24,922,949,000: Provided, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,463,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,183,284,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,418,023,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,801,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,698,375,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $16,279,006,000, of which not to exceed $35,000,000, may be available for the CINC initiative fund; and of which not to exceed $45,000,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $2,700,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that

may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,964,009,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,172,921,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $173,952,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,179,188,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,273,131,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,418,616,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $10,000,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,333,000 of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $396,018,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $256,153,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $384,307,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $24,081,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $312,619,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2005.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $450,800,000, to remain available until September 30, 2006: Provided, That of the amounts provided under this heading, $10,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,027,285,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,444,462,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,732,004,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,419,759,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,573,902,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,017,548,000, to remain available for obligation until September 30, 2006.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,967,934,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $924,355,000, to remain available for obligation until September 30, 2006.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $1,186,564,000;
NSSN, $1,511,935,000;
NSSN (AP), $827,172,000;
SSGN, $930,700,000;
SSGN (AP), $236,600,000;
CVN Refuelings (AP), $232,832,000;
SSN Submarine Refuelings, $450,000,000;
SSN Submarine Refuelings (AP), $20,351,000;
SSBN Submarine Refuelings (AP), $136,800,000;
DDG–51 Destroyer, $3,218,311,000;
LPD–17, $1,192,034,000;
LPD–17 (AP), $75,000,000;
LHD–8, $591,306,000;
LCAC Landing Craft Air Cushion, $73,087,000;
Prior year shipbuilding costs, $635,502,000;
Service Craft, $15,980,000; and
For outfitting, post delivery, conversions, and first destination transportation, $348,449,000;

In all: $11,682,623,000, to remain available for obligation until September 30, 2008: Provided, That additional obligations may be incurred after September 30, 2008, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,734,808,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,090,399,000, to remain available for obligation until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,997,460,000, to remain available for obligation until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related

equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,215,333,000, to remain available for obligation until September 30, 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,265,582,000, to remain available for obligation until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $11,536,097,000, to remain available for obligation until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; and the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,568,851,000, to remain available for obligation until September 30, 2006.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $700,000,000, to remain available for obligation until September 30, 2006: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $77,516,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,513,048,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,886,381,000, to remain available for obligation until September 30, 2005: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,086,290,000, to remain available for obligation until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,774,428,000, to remain available for obligation until September 30, 2005.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $304,761,000, to remain available for obligation until September 30, 2005.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,449,007,000: Provided, That during fiscal year 2004, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 4 passenger motor vehicles for replacement only for the Defense Logistics Agency.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $344,148,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That, notwithstanding any other provision of law, $8,500,000 of the funds available under this heading shall be available in addition to other amounts otherwise available, only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $15,656,913,000, of which $14,918,791,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2005, and of which not more than $7,420,972,000 shall be available for contracts entered into under the TRICARE program; of which $327,826,000, to remain available for obligation until September 30, 2006, shall be for Procurement; of which $410,296,000, to remain available for obligation until September 30, 2005, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,620,076,000, of which $1,169,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; $79,212,000 shall be for Procurement to remain available until September 30, 2006; $251,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; $119,815,000 shall be for military construction to remain available until September 30, 2008: Provided, That, notwithstanding any other provision of law, $10,000,000 of the funds available under this heading shall be expended only to fund Chemical Stockpile Emergency Preparedness Program evacuation route improvements in Calhoun County, Alabama.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title

10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $832,371,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $162,449,000, of which $160,049,000 shall be for Operation and maintenance, of which not to exceed $700,000, is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes and of which $300,000, to remain available until September 30, 2005, shall be for Research, development, test and evaluation; and of which $2,100,000, to remain available until September 30, 2006, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $226,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $165,390,000, of which $26,081,000 for the Advanced Research and Development Committee shall remain available until September 30, 2005: Provided, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2006 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2005: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $18,430,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. 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. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,100,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2004.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

C–130 aircraft;
F/A–18E and F engine;
F/A–18 aircraft;
E–2C aircraft; and
Virginia Class Submarine:

Provided, That the Secretary of the Navy may not enter into a multiyear contract for the procurement of more than one Virginia Class Submarine per year.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize

the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2004, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2005.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

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.

(e) The conversion of any activity or function of the Department of Defense under the authority provided herein shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with Public Law 98–369, Div. B, Title VII, sections 2723(a) and 2727(b) (codified at 10 U.S.C. 2304) for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2004 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier

as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding 41 U.S.C. §430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. §1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): Provided further, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act and hereafter, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year and hereafter, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8027. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8028. Of the funds made available in this Act, not less than $24,758,000 shall be available for the Civil Air Patrol Corporation: Provided, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8029. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2004 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2004, not more than 6,450 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2005 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $50,000,000.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8033. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2004. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2005 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2005 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2005 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2005: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2005.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8048. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Shipbuilding and Conversion, Navy, 2002/2006'', $55,000,000;

''Procurement of Ammunition, Army, 2003/2005'', $36,000,000;

''Other Procurement, Air Force, 2003/2005'', $5,000,000;

''Procurement, Defense-Wide, 2003/2005'', $48,000,000;

''Research and Development, Defense-Wide, 2003/2004'', $25,000,000;

''National Defense Sealift Fund'', $105,300,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense

Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act or hereafter in any other Act.

SEC. 8063. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8064. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8065. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8066. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8067. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under

a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8068. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8070. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8071. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8072. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8073. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8074. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8075. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8076. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8077. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8078. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8079. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8080. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8081. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8082. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.—No funds appropriated or otherwise made available by this Act for the Office of the Under Secretary of Defense for Intelligence may be obligated or expended until 30 days after the date on which the report referred to in subsection (c) is submitted to Congress.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR CLANDESTINE MILITARY ACTIVITIES.—No

funds appropriated or otherwise made available by this Act may be obligated or expended for clandestine military activities until the date on which the report referred to in subsection (c) is submitted to Congress.

(c) REPORT.—The report referred to in this subsection is the report required to be submitted to Congress in the classified annex to the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11).

SEC. 8083. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received. Not more than $1,000,000 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.

SEC. 8084. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8085. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8086. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8087. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8088. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8089. (a) The Department of Defense is authorized to enter into agreements with the Department of Veterans Affairs and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8090. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. (a) Of the amounts appropriated in this Act under the heading, ''Research, Development, Test and Evaluation, Defense-Wide'', $48,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

(b) Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Army'', $177,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, consistent with the terms and conditions set forth herein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8092. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2004.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $154,800,000 shall be made available for the Arrow missile defense program: Provided, That

of this amount, $10,000,000 shall be available for the purpose of continuing the Arrow System Improvement Program (ASIP), and $80,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8094. In addition to amounts provided in this Act, $90,000,000 is hereby appropriated for ''Aircraft Procurement, Navy'': Provided, That these funds shall be available only for transfer to the Coast Guard for mission essential equipment for Coast Guard HC–130J aircraft.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $635,502,000 shall be available until September 30, 2004, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of Navy shall transfer such funds to the following appropriations in the amount specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/04'':

LPD–17 Amphibious Transport Dock Ship Program, $95,300,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/04'':

New SSN, $81,060,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/04'':

DDG–51 Destroyer Program, $44,420,000;

New SSN, $156,978,000;

LPD–17 Amphibious Transport Dock Ship Program, $51,100,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/04'':

DDG–51 Destroyer Program, $24,510,000;

LPD–17 Amphibious Transport Dock Ship Program, $112,778,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/04'':

DDG–51 Destroyer Program, $6,984,000;

New SSN, $62,372,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8098. Funds appropriated by this Act, or made available by transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 8099. In addition to funds made available elsewhere in this Act $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments, and of which 2 percent shall be available to support the administration and execution of the funds: Provided further, That to the extent a federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-federal funds in combination with these federal funds to provide assistance for the authorized purpose, if the non-federal entity requests such assistance and the non-federal funds are provided on a reimbursable basis.

SEC. 8100. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8101. Of the funds made available in this Act, not less than $56,400,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,800,000 shall be available from ''Military Personnel, Air Force'', $35,900,000 shall be available from ''Operation and Maintenance, Air Force'', and $16,700,000 shall be available from ''Aircraft Procurement, Air Force'': Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2004: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2005 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8102. As an interim capability to enhance Army lethality, survivability, and mobility for light and medium forces before complete fielding of the Objective Force, the Army shall ensure that budgetary and programmatic plans will provide for no fewer than six Stryker Brigade Combat Teams to be fielded between 2003 and 2008.

SEC. 8103. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $8,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

(TRANSFER OF FUNDS)

SEC. 8104. Of the amounts appropriated in Public Law 107–206 under the heading ''Defense Emergency Response Fund'', an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: Provided, That none of these funds may be used to acquire fee title to the properties.

SEC. 8105. Up to $3,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

(TRANSFER OF FUNDS)

SEC. 8106. In addition to the amounts appropriated or otherwise made available in this Act, $24,000,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make grants in the amount of $5,000,000 to the American Red Cross for Armed Forces Emergency Services; $10,000,000 for the Fort Benning Infantry Museum; $2,500,000 to the National Guard Youth Foundation; $3,000,000 to the Chicago Park District for renovation of the Broadway Armory; and $3,500,000 to the National D-Day Museum.

SEC. 8107. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Account'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Fund'': Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8108. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8109. The budget of the President for fiscal year 2005 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Account, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Account for fiscal years 2003 and 2004.

SEC. 8110. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8111. Of the amounts appropriated in this Act under the headings ''Research, Development, Test and Evaluation, Navy'' and ''Operation and Maintenance, Defense-Wide''

$65,200,000 shall be transferred to such appropriations available to the Department of Defense as may be required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Department of Defense Appropriations Act, 2004, and amounts so transferred shall be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8112. During the current fiscal year, section 2533a(f) of Title 10, United States Code, shall not apply to any fish, shellfish, or seafood product. This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8113. Notwithstanding section 2465 of title 10 U.S.C., the Secretary of the Navy may use funds appropriated in title II of this Act under the heading, ''Operation and Maintenance, Navy'', to liquidate the expenses incurred for private security guard services performed at the Naval Support Unit, Saratoga Springs, New York by Burns International Security Services, Albany, New York in the amount of $29,323.35, plus accrued interest, if any.

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.

SEC. 8115. Of the amounts provided in title II of this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8116. Up to $2,000,000 of the funds appropriated by this Act under the heading, ''Operation and Maintenance, Army'', may be made available to contract for services required to solicit non-Federal donations to support construction and operation of the United States Army Museum at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the United States Army Museum to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with ''Operation and Maintenance, Army'' and shall be made available for the same purposes and for the same time period as that appropriation account.

SEC. 8117. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM. (a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision ''to celebrate the American Spirit''.

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the home front and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation with President Dwight D. Eisenhower in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries in New Orleans, as the ''man who won the war for us'' because the 12,000 landing craft designed by Higgins Industries made possible all of the amphibious invasions of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, 85 percent of whom have been Americans from across the country.

(5) American World War II veterans, called the ''greatest generation'' of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and heroic achievements of that generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's most decisive achievement in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress, recognizing the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1998, 2000, 2001, 2002, and 2003 to help expand the exhibits in the museum to include the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

(9) The Board of Trustees of The National D-Day Museum is national in scope and diverse in its makeup.

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression by would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of democracy and freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a diverse group of audiences through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States citizen soldiers in all of the theatres of World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain one of the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged in a 250,000 square foot expansion to include the Center for the Study of the American Spirit, an advanced format theatre, and a new United States pavilion.

(16) The planned ''We're All in this Together'' exhibit will describe the role every State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement to borrow Smithsonian artifacts for future exhibitions.

(18) Le Memorial de Caen in Normandy, France has formally recognized The National D-Day Museum as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.

(19) The official Battle of the Bulge museums in Luxembourg and the American Battlefield Monuments Commission are already collaborating with The National D-Day Museum on World War II exhibitions.

(20) For all of these reasons, it is appropriate to designate The National D-Day Museum as ''America's National World War II Museum''.

(b) PURPOSES.—The purposes of this section are, through the designation of The National D-Day Museum as ''America's National World War II Museum'', to express the United States Government's support for—

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

(2) the education of the American people as to the American experience in combat and on the home front during the World War II years, including the conduct of educational outreach programs for teachers and students throughout the United States;

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) DESIGNATION OF ''AMERICA'S NATIONAL WORLD WAR II MUSEUM''.—The National D-Day Museum, New Orleans, Louisiana, is designated as ''America's National World War II Museum''.

SEC. 8118. NATIVE AMERICAN VETERAN HOUSING LOANS. (a) Title I of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) is amended by striking out ''expenses: Provided, That no new loans in excess of $5,000,000 may be made in fiscal year 2003.'' from the paragraph under the heading ''Native American Veteran Housing Loan Program Account'' and inserting in lieu thereof ''expenses.''.

(b) The amendment made by subsection (a) of this section is effective on the date of the enactment of Public Law 108–7, February 20, 2003.

SEC. 8119. Of the funds made available in chapter 3 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), under the heading ''Iraq Freedom Fund'', $3,157,000,000 are hereby rescinded.

SEC. 8120. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TERRORISM INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Terrorism Information Awareness program.

(b) LIMITATION ON DEPLOYMENT OF TERRORISM INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law, if and when research and development on the Terrorism Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element

of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Terrorism Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly against non-United States persons.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Terrorism Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(d) DEFINITIONS.—In this section:

(1) TERRORISM INFORMATION AWARENESS PROGRAM.—The term ''Terrorism Information Awareness program''—

(A) means the components of the program known either as Terrorism Information Awareness or Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term ''non-United States person'' means any person other than a United States person.

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

SEC. 8121. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $125,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Defense-Wide'', $45,000,000;

''Research, Development, Test and Evaluation, Navy'', $40,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $40,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8122. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8123. None of the funds provided in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing new United States diplomatic facilities.

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 cost effective composite materials for manned and unmanned flight structures (PE#0602103F).

SEC. 8125. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,000,000 may be used for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

SEC. 8126. Of the total amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY'' for civilian manpower and personnel management, up to $1,500,000 may be used for Navy Pilot Human Resources Call Center, Cutler, Maine.

SEC. 8127. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for Navy Integrated Manufacturing Development.

SEC. 8128. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $23,300,000.

(2) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $16,000,000.

(3) Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $1,000,000.

SEC. 8129. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

SEC. 8130. Of the amount appropriated by title III under the heading ''PROCUREMENT, MARINE CORPS'', up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

SEC. 8131. Of the appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

SEC. 8132. Of the total amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $1,500,000 may be used for the procurement of TSC–750 computer systems.

SEC. 8133. 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 Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

SEC. 8134. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $2,000,000 may be available for night vision goggles in advanced helicopter training.

SEC. 8135. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

SEC. 8136. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $2,500,000 may be used for the study of geospatial visualization technologies.

SEC. 8137. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

SEC. 8138. Of the total amount appropriated by title IV under the heading ''RESEARCH AND DEVELOPMENT, DEFENSE-WIDE'', up to $3,500,000 may be used for National Consortia on MASINT Research for program element number 0305884L.

SEC. 8139. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

SEC. 8140. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

SEC. 8141. Of the amount appropriated by title III of this Act under the heading ''DEFENSE PRODUCTION ACT PURCHASES'', up to $3,000,000 may be available for a Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels.

SEC. 8142. IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE. (a) FINDINGS.—The Senate makes the following findings:

(1) Forces in the United States National Guard and Reserve have made and continue to make essential and effective contributions to Operation Iraqi Freedom and other ongoing military operations.

(2) More than 200,000 Reserve personnel from the Army, Navy, Air Force, Marine Corps, and Coast Guard are currently serving their Nation on active status.

(3) Our dependence on the National Guard and Reserve has increased dramatically over the course of the past decade. Annual duty days have grown from about 1 million in the late 1980s to more than 12 million in every year since 1996.

(4) While our dependence on the Reserves has increased in the post-Cold War era, their basic pay and benefits structure has remained largely unchanged.

(5) Offering TRICARE to reservists for an affordable monthly premium enhances our national security by improving their medical readiness when called to duty, streamlining and accelerating the mobilization process, and enhancing our military's ability to recruit and retain qualified personnel to reserve duty.

(6) The Congressional Budget Office, the official, nonpartisan scorekeeper of all congressional legislation, has estimated the cost of this proposal at just over one-tenth of one percent of the Administration's fiscal year 2004 defense budget request.

(7) On May 20, 2003, a strong majority of Senate Democrats and Republicans joined together and voted 85–10 for an amendment to the fiscal year 2004 Defense authorization bill to provide

reserve personnel and their families access to TRICARE regardless of their current deployment status.

(8) The Appropriations Committee indicated in its report accompanying the fiscal year 2004 Defense appropriations bill that it supports this proposal.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the National Guard and Reserve play a critical and increasingly demanding role in protecting our national security; and

(2) the Senate supports the Appropriations Committee position as articulated in the report accompanying the fiscal year 2004 Defense appropriations bill and affirms its support for providing Guard and Reserve personnel access to TRICARE.

SEC. 8143. (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.

SEC. 8144. 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.

SEC. 8145. 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.

SEC. 8146. 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.

SEC. 8147. 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.

SEC. 8148. 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 stationed in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, compared 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.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on their findings and recommendations.

SEC. 8149. 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.

SEC. 8150. 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.

SEC. 8151. 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.

SEC. 8152. 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 DIG–51 modernization planning.

SEC. 8153. 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.

SEC. 8154. 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.

SEC. 8155. 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.

SEC. 8156. (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.

SEC. 8157. (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.

SEC. 8158. Of the amount appropriated by title III of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'', up 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.

SEC. 8159. 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.

SEC. 8160. 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 appropriate 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.

SEC. 8161. 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.

SEC. 8162. 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.

SEC. 8163. 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).

SEC. 8164. 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.

SEC. 8165. (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).

SEC. 8166. 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.

SEC. 8167. 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.

SEC. 8168. 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.

SEC. 8169. 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.

SEC. 8170. 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.

SEC. 8171. (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.

SEC. 8172. 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 subsection shall remain in effect for fiscal year 2004.''.

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 appropriations the 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: 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.

(g) 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.

(3) WORLD WAR II.—The term ''World War II'' means the period beginning on December 7, 1941, and ending on August 8, 1945.

This Act may be cited as the ''Department of Defense Appropriations Act of 2004''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 300 and 301.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense.

DEPARTMENT OF ENERGY

Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1435.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1435) to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1435) was read the third time and passed, as follows:

S. 1435

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Prison Rape Elimination Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. National prison rape statistics, data, and research.
Sec. 5. Prison rape prevention and prosecution.
Sec. 6. Grants to protect inmates and safeguard communities.
Sec. 7. National Prison Rape Reduction Commission.
Sec. 8. Adoption and effect of national standards.
Sec. 9. Requirement that accreditation organizations adopt accreditation standards.
Sec. 10. Definitions.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16 percent of inmates in state prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In Farmer v. Brennan, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the

power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have demonstrated such indifference. States that do not take basic steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these Federally funded grant programs are compromised by the failure of State officials to adopt policies and procedure that reduce the incidence of prison rape in that the high incidence of prison rape—

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially—

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;

(2) make the prevention of prison rape a top priority in each prison system;

(3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;

(4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;

(5) standardize the definitions used for collecting data on the incidence of prison rape;

(6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

(7) protect the Eighth Amendment rights of Federal, State, and local prisoners;

(8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and

(9) reduce the costs that prison rape imposes on interstate commerce.

SEC. 4. NATIONAL PRISON RAPE STATISTICS, DATA, AND RESEARCH.

(a) ANNUAL COMPREHENSIVE STATISTICAL REVIEW.—

(1) IN GENERAL.—The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the ''Bureau'') shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of—

(A) both victims and perpetrators of prison rape; and

(B) prisons and prison systems with a high incidence of prison rape.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Bureau shall consider—

(A) how rape should be defined for the purposes of the statistical review and analysis;

(B) how the Bureau should collect information about staff-on-inmate sexual assault;

(C) how the Bureau should collect information beyond inmate self-reports of prison rape;

(D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);

(E) the categorization of prisons as required by subsection (c)(4); and

(F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) SOLICITATION OF VIEWS.—The Bureau of Justice Statistics shall solicit views from representatives of the following: State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) SAMPLING TECHNIQUES.—The review and analysis under paragraph (1) shall be based on a random sample, or other scientifically appropriate sample, of not less than 10 percent of all Federal, State, and county prisons, and a representative sample of municipal prisons. The selection shall include at least one prison from each State. The selection of facilities for sampling shall be made at the latest practicable date prior to conducting the surveys and shall not be disclosed to any facility or prison system official prior to the time period studied in the survey. Selection of a facility for sampling during any year shall not preclude its selection for sampling in any subsequent year.

(5) SURVEYS.—In carrying out the review and analysis under paragraph (1), the Bureau shall, in addition to such other methods as the Bureau considers appropriate, use surveys and other statistical studies of current and former inmates from a sample of Federal, State, county, and municipal prisons. The Bureau shall ensure the confidentiality of each survey participant.

(6) PARTICIPATION IN SURVEY.—Federal, State, or local officials or facility administrators that receive a request from the Bureau under subsection (a)(4) or (5) will be required to participate in the national survey and provide access to any inmates under their legal custody.

(b) REVIEW PANEL ON PRISON RAPE.—

(1) ESTABLISHMENT.—To assist the Bureau in carrying out the review and analysis under subsection (a), there is established, within the Department of Justice, the Review Panel on Prison Rape (in this section referred to as the ''Panel'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Panel shall be composed of 3 members, each of whom shall be appointed by the Attorney General, in consultation with the Secretary of Health and Human Services.

(B) QUALIFICATIONS.—Members of the Panel shall be selected from among individuals with knowledge or expertise in matters to be studied by the Panel.

(3) PUBLIC HEARINGS.—

(A) IN GENERAL.—The duty of the Panel shall be to carry out, for each calendar year, public hearings concerning the operation of the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4). The Panel shall hold a separate hearing regarding the three Federal or State prisons with the highest incidence of prison rape. The purpose of these hearings shall be to collect evidence to aid in the identification of common characteristics of both victims and perpetrators of prison rape, and the identification of common characteristics of prisons and prison systems with a high incidence of prison rape, and the identification of common characteristics of prisons and prison systems that appear to have been successful in deterring prison rape.

(B) TESTIMONY AT HEARINGS.—

(i) PUBLIC OFFICIALS.—In carrying out the hearings required under subparagraph (A), the Panel shall request the public testimony of Federal, State, and local officials (and organizations that represent such officials), including the warden or director of each prison, who bears responsibility for the prevention, detection, and punishment of prison rape at each entity, and the head of the prison system encompassing such prison.

(ii) VICTIMS.—The Panel may request the testimony of prison rape victims, organizations representing such victims, and other appropriate individuals and organizations.

(C) SUBPOENAS.—

(i) ISSUANCE.—The Panel may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(ii) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(c) REPORTS.—

(1) IN GENERAL.—Not later than June 30 of each year, the Attorney General shall submit a report on the activities of the Bureau and the Review Panel, with respect to prison rape, for the preceding calendar year to—

(A) Congress; and

(B) the Secretary of Health and Human Services.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) with respect to the effects of prison rape, statistical, sociological, and psychological data;

(B) with respect to the incidence of prison rape—

(i) statistical data aggregated at the Federal, State, prison system, and prison levels;

(ii) a listing of those institutions in the representative sample, separated into each category identified under subsection (c)(4)

and ranked according to the incidence of prison rape in each institution; and

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to section 4.

(3) DATA ADJUSTMENTS.—In preparing the information specified in paragraph (2), the Attorney General shall use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

(4) CATEGORIZATION OF PRISONS.—The report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

(d) CONTRACTS AND GRANTS.—In carrying out its duties under this section, the Attorney General may—

(1) provide grants for research through the National Institute of Justice; and

(2) contract with or provide grants to any other entity the Attorney General deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 5. PRISON RAPE PREVENTION AND PROSECUTION.

(a) INFORMATION AND ASSISTANCE.—

(1) NATIONAL CLEARINGHOUSE.—There is established within the National Institute of Corrections a national clearinghouse for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(2) TRAINING AND EDUCATION.—The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

(b) REPORTS.—

(1) IN GENERAL.—Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

(2) CONTENTS.—The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

SEC. 6. GRANTS TO PROTECT INMATES AND SAFEGUARD COMMUNITIES.

(a) GRANTS AUTHORIZED.—From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

(b) USE OF GRANT AMOUNTS.—Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

(1) PROTECTING INMATES.—Protecting inmates by—

(A) undertaking efforts to more effectively prevent prison rape;

(B) investigating incidents of prison rape; or

(C) prosecuting incidents of prison rape.

(2) SAFEGUARDING COMMUNITIES.—Safeguarding communities by—

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

(c) GRANT REQUIREMENTS.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 2 years.

(2) MAXIMUM.—The amount of a grant under this section may not exceed $1,000,000.

(3) MATCHING.—The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

(d) APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) CONTENTS.—Each application required by paragraph (1) shall—

(A) include the certification of the chief executive that the State receiving such grant—

(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; and

(ii) will consider adopting all national prison rape standards that are promulgated under this Act after such date;

(B) specify with particularity the preventative, prosecutorial, or administrative activities to be undertaken by the State with the amounts received under the grant; and

(C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b)—

(i) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

(e) REPORTS BY GRANTEE.—

(1) IN GENERAL.—The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify and describe those activities and shall contain an evaluation of the effect of those activities on—

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

(2) DISSEMINATION.—The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 5.

(f) STATE DEFINED.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for grants under this section $40,000,000 for each of fiscal years 2004 through 2010.

(2) LIMITATION.—Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

SEC. 7. NATIONAL PRISON RAPE REDUCTION COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Prison Rape Reduction Commission (in this section referred to as the ''Commission'').

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(d) COMPREHENSIVE STUDY OF THE IMPACTS OF PRISON RAPE.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive legal and factual study of the penalogical, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HIV;

(E) an assessment of the characteristics of inmates most likely to commit prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(F) an assessment of the characteristics of inmates most likely to be victims of prison rape and the effectiveness of various types of treatment or programs to reduce such likelihood;

(G) an assessment of the impacts of prison rape on individuals, families, social institutions and the economy generally, including an assessment of the extent to which the incidence of prison rape contributes to recidivism and to increased incidence of sexual assault;

(H) an examination of the feasibility and cost of conducting surveillance, undercover activities, or both, to reduce the incidence of prison rape;

(I) an assessment of the safety and security of prison facilities and the relationship of prison facility construction and design to the incidence of prison rape;

(J) an assessment of the feasibility and cost of any particular proposals for prison reform;

(K) an identification of the need for additional scientific and social science research on the prevalence of prison rape in Federal, State, and local prisons;

(L) an assessment of the general relationship between prison rape and prison violence;

(M) an assessment of the relationship between prison rape and levels of training, supervision, and discipline of prison staff; and

(N) an assessment of existing Federal and State systems for reporting incidents of prison rape, including an assessment of whether existing systems provide an adequate assurance of confidentiality, impartiality and the absence of reprisal.

(3) REPORT.—

(A) DISTRIBUTION.—Not later than 2 years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to—

(i) the President;

(ii) the Congress;

(iii) the Attorney General;

(iv) the Secretary of Health and Human Services;

(v) the Director of the Federal Bureau of Prisons;

(vi) the chief executive of each State; and

(vii) the head of the department of corrections of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) recommended national standards for reducing prison rape;

(iii) recommended protocols for preserving evidence and treating victims of prison rape; and

(iv) a summary of the materials relied on by the Commission in the preparation of the report.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—In conjunction with the report submitted under subsection (d)(3), the Commission shall provide the Attorney General and the Secretary of Health and Human Services with recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape.

(2) MATTERS INCLUDED.—The information provided under paragraph (1) shall include recommended national standards relating to—

(A) the classification and assignment of prisoners, using proven standardized instruments and protocols, in a manner that limits the occurrence of prison rape;

(B) the investigation and resolution of rape complaints by responsible prison authorities, local and State police, and Federal and State prosecution authorities;

(C) the preservation of physical and testimonial evidence for use in an investigation of the circumstances relating to the rape;

(D) acute-term trauma care for rape victims, including standards relating to—

(i) the manner and extent of physical examination and treatment to be provided to any rape victim; and

(ii) the manner and extent of any psychological examination, psychiatric care, medication, and mental health counseling to be provided to any rape victim;

(E) referrals for long-term continuity of care for rape victims;

(F) educational and medical testing measures for reducing the incidence of HIV transmission due to prison rape;

(G) post-rape prophylactic medical measures for reducing the incidence of transmission of sexual diseases;

(H) the training of correctional staff sufficient to ensure that they understand and appreciate the significance of prison rape and the necessity of its eradication;

(I) the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates;

(J) ensuring the confidentiality of prison rape complaints and protecting inmates who make complaints of prison rape;

(K) creating a system for reporting incidents of prison rape that will ensure the confidentiality of prison rape complaints, protect inmates who make prison rape complaints from retaliation, and assure the impartial resolution of prison rape complaints;

(L) data collection and reporting of—

(i) prison rape;

(ii) prison staff sexual misconduct; and

(iii) the resolution of prison rape complaints by prison officials and Federal, State, and local investigation and prosecution authorities; and

(M) such other matters as may reasonably be related to the detection, prevention, reduction, and punishment of prison rape.

(3) LIMITATION.—The Commission shall not propose a recommended standard that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities.

(f) CONSULTATION WITH ACCREDITATION ORGANIZATIONS.—In developing recommended national standards for enhancing the detection, prevention, reduction, and punishment of prison rape, the Commission shall consider any standards that have already been developed, or are being developed simultaneously to the deliberations of the Commission. The Commission shall consult with accreditation organizations responsible for the accreditation of Federal, State, local or private prisons, that have developed or are currently developing standards related to prison rape. The Commission will also consult with national associations representing the corrections profession that have developed or are currently developing standards related to prison rape.

(g) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United State Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(h) INFORMATION FROM FEDERAL OR STATE AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this section. The Commission may request the head of any State or local department or agency to furnish such information to the Commission.

(i) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses,

including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—Upon the request of the Commission, the Attorney General shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(j) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(k) SUBPOENAS.—

(1) ISSUANCE.—The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter.

(2) ENFORCEMENT.—In the case of contumacy or refusal to obey a subpoena, the Attorney General may in a Federal court of appropriate jurisdiction obtain an appropriate order to enforce the subpoena.

(3) CONFIDENTIALITY OF DOCUMENTARY EVIDENCE.—Documents provided to the Commission pursuant to a subpoena issued under this subsection shall not be released publicly without the affirmative vote of ⅔ of the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(m) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the reports required by this section.

(n) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 8. ADOPTION AND EFFECT OF NATIONAL STANDARDS.

(a) PUBLICATION OF PROPOSED STANDARDS.—

(1) FINAL RULE.—Not later than 1 year after receiving the report specified in section 7(d)(3), the Attorney General shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.

(2) INDEPENDENT JUDGMENT.—The standards referred to in paragraph (1) shall be based upon the independent judgment of the Attorney General, after giving due consideration to the recommended national standards provided by the Commission under section 7(e), and being informed by such data, opinions, and proposals that the Attorney General determines to be appropriate to consider.

(3) LIMITATION.—The Attorney General shall not establish a national standard under this section that would impose substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities. The Attorney General may, however, provide a list of improvements for consideration by correctional facilities.

(4) TRANSMISSION TO STATES.—Within 90 days of publishing the final rule under paragraph (1), the Attorney General shall transmit the national standards adopted under such paragraph to the chief executive of each State, the head of the department of corrections of each State, and to the appropriate authorities in those units of local government who oversee operation in one or more prisons.

(b) APPLICABILITY TO FEDERAL BUREAU OF PRISONS.—The national standards referred to in subsection (a) shall apply to the Federal Bureau of Prisons immediately upon adoption of the final rule under subsection (a)(4).

(c) ELIGIBILITY FOR FEDERAL FUNDS.—

(1) COVERED PROGRAMS.—

(A) IN GENERAL.—For purposes of this subsection, a grant program is covered by this subsection if, and only if—

(i) the program is carried out by or under the authority of the Attorney General; and

(ii) the program may provide amounts to States for prison purposes.

(B) LIST.—For each fiscal year, the Attorney General shall prepare a list identifying each program that meets the criteria of subparagraph (A) and provide that list to each State.

(2) ADOPTION OF NATIONAL STANDARDS.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive of the State submits to the Attorney General—

(A) a certification that the State has adopted, and is in full compliance with, the national standards described in section 8(a); or

(B) an assurance that not less than 5 percent of such amount shall be used only for the purpose of enabling the State to adopt, and achieve full compliance with, those national standards, so as to ensure that a certification under subparagraph (A) may be submitted in future years.

(3) REPORT ON NONCOMPLIANCE.—Not later than September 30 of each year, the Attorney General shall publish a report listing each grantee that is not in compliance with the national standards adopted pursuant to section 8(a).

(4) COOPERATION WITH SURVEY.—For each fiscal year, any amount that a State receives for that fiscal year under a grant program covered by this subsection shall not be used for prison purposes (and shall be returned to the grant program if no other authorized use is available), unless the chief executive of the State submits to the Attorney General a certification that neither the State, nor any political subdivision or unit of local government within the State, is listed in a report issued by the Attorney General pursuant to section 4(c)(2)(C).

(5) REDISTRIBUTION OF AMOUNTS.—Amounts under a grant program not granted by reason of a reduction under paragraph (2), or returned by reason of the prohibition in paragraph (4), shall be granted to one or more entities not subject to such reduction or such prohibition, subject to the other laws governing that program.

(6) IMPLEMENTATION.—The Attorney General shall establish procedures to implement this subsection, including procedures for effectively applying this subsection to discretionary grant programs.

(7) EFFECTIVE DATE.—

(A) REQUIREMENT OF ADOPTION OF STANDARDS.—The first grants to which paragraph (2) applies are grants for the second fiscal year beginning after the date on which the national standards under section 8(a) are finalized.

(B) REQUIREMENT FOR COOPERATION.—The first grants to which paragraph (4) applies are grants for the fiscal year beginning after the date of the enactment of this Act.

SEC. 9. REQUIREMENT THAT ACCREDITATION ORGANIZATIONS ADOPT ACCREDITATION STANDARDS.

(a) ELIGIBILITY FOR FEDERAL GRANTS.—Notwithstanding any other provision of law, an organization responsible for the accreditation of Federal, State, local, or private prisons, jails, or other penal facilities may not receive any new Federal grants during any period in which such organization fails to meet any of the requirements of subsection (b).

(b) REQUIREMENTS.—To be eligible to receive Federal grants, an accreditation organization referred to in subsection (a) must meet the following requirements:

(1) At all times after 90 days after the date of enactment of this Act, the organization shall have in effect, for each facility that it is responsible for accrediting, accreditation standards for the detection, prevention, reduction, and punishment of prison rape.

(2) At all times after 1 year after the date of the adoption of the final rule under section 8(a)(4), the organization shall, in addition to any other such standards that it may promulgate relevant to the detection, prevention, reduction, and punishment of prison rape, adopt accreditation standards consistent with the national standards adopted pursuant to such final rule.

SEC. 10. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CARNAL KNOWLEDGE.—The term ''carnal knowledge'' means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

(2) INMATE.—The term ''inmate'' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(3) JAIL.—The term ''jail'' means a confinement facility of a Federal, State, or local law enforcement agency to hold—

(A) persons pending adjudication of criminal charges; or

(B) persons committed to confinement after adjudication of criminal charges for sentences of 1 year or less.

(4) HIV.—The term ''HIV'' means the human immunodeficiency virus.

(5) ORAL SODOMY.—The term ''oral sodomy'' means contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

(6) POLICE LOCKUP.—The term ''police lockup'' means a temporary holding facility of a Federal, State, or local law enforcement agency to hold—

(A) inmates pending bail or transport to jail;

(B) inebriates until ready for release; or

(C) juveniles pending parental custody or shelter placement.

(7) PRISON.—The term ''prison'' means any confinement facility of a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government, and includes—

(A) any local jail or police lockup; and

(B) any juvenile facility used for the custody or care of juvenile inmates.

(8) PRISON RAPE.—The term ''prison rape'' includes the rape of an inmate in the actual or constructive control of prison officials.

(9) RAPE.—The term ''rape'' means—

(A) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;

(B) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or

(C) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

(10) SEXUAL ASSAULT WITH AN OBJECT.—The term ''sexual assault with an object'' means the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

(11) SEXUAL FONDLING.—The term ''sexual fondling'' means the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

(12) EXCLUSIONS.—The terms and conditions described in paragraphs (9) and (10) shall not apply to—

(A) custodial or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating prison rape;

(B) the use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape; or

(C) the use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided that the search is conducted in a manner consistent with constitutional requirements.

MEASURE READ THE FIRST TIME—S. 1434

Mr. FRIST. Mr. President, I understand that S. 1434, introduced by Senator LINCOLN earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1434) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. FRIST. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, JULY 22, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m. Tuesday, July 22. I further ask that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with the time equally divided between the two leaders or their designees; provided that at 11 a.m. the Senate resume consideration of Calendar No. 192, H.R. 2555, the Department of Homeland Security appropriations bill.

I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until 11 a.m.

Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. The chairman and ranking member made their opening statements on the bill and one amendment was offered during today's session.

Tomorrow, we will continue the amendment process. Any Senators who wish to offer an amendment are encouraged to contact the two managers. Rollcall votes will occur tomorrow and Members will be notified as to when the first vote is scheduled.

It is my intention to complete action on this vital appropriations bill early this week. Upon completion of the Homeland Security bill, the Senate will take up other appropriations bills as they become available. I also inform my colleagues that rollcall votes are possible each day this week.

In addition, as I mentioned in opening this morning, the plan for next week is to take up, once again, the Energy bill. I expect to complete that bill before our recess. We will be spending all of next week on the Energy bill.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 4:22 p.m. recessed until Tuesday, July 22, 2003, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 2003:

DEPARTMENT OF DEFENSE

THOMAS W. O'CONNELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF ENERGY

PAUL MORGAN LONGSWORTH, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TAIWAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. ANDREWS. Mr. Speaker, I rise today in recognition of the recent passage of my amendment regarding the security of Taiwan, which was part of the en bloc amendment to the Foreign Relations Authorization Act. The passage of this amendment shows strong Congressional support for the safety and welfare of the citizens of Taiwan, and sends a message to the People's Republic of China that the use of force, and even the threat of the use of force, against Taiwan will not be tolerated.

In the past two decades, Taiwan has undergone a remarkable transformation from a one party, martial law dictatorship to a full-fledged democracy that respects human rights and human freedoms. However, Taiwan's democracy faces a serious military threat from the People's Republic of China. The PRC regards Taiwan as a renegade province, despite the fact that it has never exercised control over the island. They continue to openly entertain the use of force against Taiwan, thereby jeopardizing the stability of the entire Asian Pacific region. Mr. Speaker, as one of the leading democracies in the world, it is the duty of the American government to protect Taiwan from the PRC's threats to its democratic system of governance.

Through this amendment, the United States Congress is expressing its grave concern regarding the People's Republic of China's deployment of hundreds of ballistic missiles directed towards Taiwan. The provision calls upon the President of the United States to direct all appropriate U.S. officials to raise these concerns with PRC officials, and to seek renunciation from the leaders of the PRC of any threat or use of force against Taiwan. In addition, it calls upon the President of the United States to authorize the sale of the Aegis missile defense system to Taiwan if China refuses to dismantle the missiles in question. Finally, the provision reaffirms that the future of Taiwan should be determined peacefully, and with the expressed consent of the Taiwanese people,

I wish to thank my colleagues in the House for their expressed support of this most important provision. Only by defending the democracies that currently exist throughout the world can we actively promote the spread of democratic ideals. I would ask that my colleagues continue to keep a watchful eye on the PRC's treatment of Taiwan, and remain vigilant in their support for the Taiwanese people and their quest for safety, security, and freedom.

A SAFE RETURN TO TAIWAN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, as we know, the SARS epidemic took a great toll on Southeast Asia. China, Taiwan, Hong Kong, Vietnam, Singapore, Taiwan and Toronto were all affected. As of July 11, a total of over 8,400 persons fell victim to SARS, and over 800 died. Taiwan was the third hardest hit country, where 671 became ill and 84 died. Many of the SARS cases in Taiwan could be traced to a lapse of infection control procedures in a single hospital. Health authorities rapidly responded, upgrading the SARS surveillance system, tightening infection control procedures, and educating the population to quickly respond—to symptoms of a potential SARS infection. A key element to Taiwan's success was its ability to coordinate the responses of all relevant sectors. I commend the government of Taiwan for its highly effective handling of this health emergency.

Today, Mr. Speaker, I am pleased to note that the SARS epidemic which had plagued Taiwan has now abated. On July 15, 2003, the Centers for Disease Control officially lifted the travel alert for Taiwan, with no new cases having been reported there in over a month. All known chains of person-to-person transmission of SARS have been broken. I am pleased to say that we may now feel confident in continuing, without fear, our travel to and business with this wonderful country.

HONORING KFTV–TV

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KFTV–TV in Fresno, CA for their impressive support for our community. In 2002, KFTV–TV donated a total of 1104 spots of valuable airtime towards Ad Council public service announcements.

Throughout the Ad Council's 60-year history, stations like KFTV–TV have helped to address the most pressing social issues of the day. Each year, the Ad Council receives approximately $1.3 billion in donated media funds for over 40 campaigns to promote awareness about topics ranging from high-school drop-out prevention to AIDS awareness.

Mr. Speaker, I am pleased to honor KFTV–TV for their ongoing dedication to informing the 19th district of current and socially important issues that improve the lives of our constituents and our Nation.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

The House in Committee of the Whole House on the State of the Union 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:

Mr. HINCHEY. Mr. Chairman, I urge my colleagues to support Representative MARK UDALL's amendment to stop the giveaway of millions of acres of public lands across the West. The Udall amendment will restrict funding for a January 2003 rule published by the Bureau of Land Management that facilitates the construction roads across some of our most sensitive and pristine federal lands.

The Bush Administration and Secretary Norton are currently engaged in an unprecedented assault on our nation's natural heritage. In their concerted effort to undermine the protection of America's public lands, they have gone farther than James Watt ever dared.

This rule endangers our public lands across the West, including some of this nation's most outstanding national parks, wildlife refuges, wilderness areas, national monuments, and national forests. The uncontrolled road building that this rule invites would cause irreparable harm in sensitive watersheds, undeveloped fish and wildlife habitat, historical and archaeological resources, and sensitive coastlines and wetlands.

As the sponsor of America's Redrock Wilderness Act, to protect Utah's wilderness quality public lands, I am particularly concerned about the potentially devastating impact of this rule in Utah. Approximately 10 million acres of Utah's federal lands that are eligible for wilderness designation would be open to road right-of-way claims under BLM's rule. There are an estimated 15,000 road claims in Utah, and off-road-vehicle groups have targeted areas within my wilderness proposal for motorized vehicle access, including the Grandstaircase Escalante National Monument.

These claims have nothing to do with legitimate access—this is about bulldozing and paving thousands of miles of new roads across some of this country's most pristine lands and protected areas. With this rule the Administration has provided opponents of wilderness with a tool to punch roads through pristine lands in an attempt to disqualify the impacted areas from future wilderness consideration by Congress.

Encouraged by the Administration's rule, counties, organizations and individuals are asserting spurious road-building rights-of-way claims for cow paths, horse trails, river beds, dirt bike and off-road vehicle routes, as well as for dogsled trails and for overgrown and nearly

indistinguishable trails long ago abandoned by prospecting miners. These aren't legitimate roads.

Back in May, along with Representative UDALL, I sent a letter to Secretary Norton—signed by 100 members of the House, including the ranking member of this subcommittee, Mr. DICKS and the ranking member of the Resources committee, Mr. RAHALL—urging the Administration to reconsider this rule. It has been nearly 2 months since we sent this letter and there has been no response.

It's time for Congress to send Secretary Norton and the White House a clear message that they can't ignore—the assaults on our public lands and wilderness must stop. Let's ensure that our publicly owned lands throughout the West—including Utah's unique public lands—are protected for future generations of Americans. Support the Udall amendment and oppose the Taylor substitute.

BLOOMSBURG UNIVERSITY UPWARD BOUND PROGRAM CELEBRATES 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the success of the Bloomsburg University Upward Bound Program, which will celebrate its 25th anniversary on Saturday, July 26th.

To celebrate this important milestone, the Bloomsburg University Upward Bound Program will hold a reunion with many of its graduates this Saturday, July 26th. Five years ago I spoke to this group on its twentieth anniversary, and I wish all of my colleagues could have witnessed the stories from graduates who told what the program meant to them and how it changed their lives. Most of all, I was impressed with the human connections that promising but struggling high school students found in the leaders of the Upward Bound Program. They found mentors who could start them on the path to success for life, and this is a wonderful and remarkable achievement.

Led by two outstanding women, Ruth Anne Bond and Maureen Mulligan, the Bloomsburg University Upward Bound Program has, over the last 25 years, fulfilled a vital role in the Bloomsburg community. The program gives young people opportunities and assistance in exploring their potential for academic, social and personal growth. Its purpose is to provide equal access to-post-secondary education for high school students by giving them adequate preparation to compete at the college level and beyond.

Students are provided with developmental work in areas where they need help, enrichment where they are strong, and exposure to new areas where they have yet to be challenged. Through tutoring for academic improvement, counseling to address career and personal matters, guidance on the college admissions and financial aid processes and training in test-taking skills, students gain the confidence and skills needed to succeed.

The program consists of three parts, the Academic Year Program, the Summer Program and the Bridge Program. During the school year, the program operates ten service centers, with an emphasis on tutoring, assistance with college and financial aid planning, local and national test preparation, cultural activities, and personal and academic counseling. The six-week summer residential program at Bloomsburg University provides intensive academic preparation, enrichment, career and college counseling, cultural experiences and personal and social growth opportunities. The Bridge program is another summer residential program for students between high-school graduation and the first year at college. The program allows them to obtain up to six college credits from Bloomsburg University and also offers participants advice and preparation for excelling in their upcoming freshmen year.

The Bloomsburg University Upward Bound program has an indisputable record of success, with 88% of its high school graduates going on to post-secondary educational institutions and a 72% retention rate at those institutions.

Mr. Speaker, just a small federal investment has allowed Upward Bound to change the lives of countless young people. I am especially proud of the success of the Bloomsburg University program, and I wish everyone associated with it all the best.

IN HONOR OF THE MEMORY OF THE HONORABLE WILKIE D. FERGUSON JR.

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of a dear friend, the late Honorable Wilkie D. Ferguson Jr., who passed away on Monday, June 9, 2003. The passing of Wilkie Ferguson is a great loss to our country's pursuit of justice and the rights of the oppressed. As a state and then federal judge, he applied the law justly and ensured that the less powerful members of society received fair treatment under the law.

Wilkie Ferguson pursued social justice in the U.S. legal system from the outset of his legal career, back in 1968. He was appointed to his first judgeship, on the Florida Court of Industrial Claims, in 1973. Four years later he was named to the circuit bench. One of his most important rulings came in the 1980 Circuit Court decision in which he threw out a verdict because African Americans were excluded from the jury. He was the first judge to find such systematic exclusion unacceptable and the Florida Supreme Court later supported his decision. It is appalling that such racial inequity exists in our judicial system and in our country, and Wilkie Ferguson was the first judge to recognize and correct this particular injustice in our legal system.

In 1980, Wilkie was appointed by then Governor BOB GRAHAM to Florida's Third District Court of Appeal, where he served until 1993. He was the first African American appointed to the Miami-Dade Circuit Court and to the Third District Court of Appeal. This enormous achievement shows how, in addition to paving the way for others through his work from the bench, he was also a living example of the pioneering path of equality and progress that he laid for all Americans.

In 1993, Wilkie Ferguson was nominated by President Clinton to be a U.S. District Judge, becoming the third African American appointed to the federal bench in Southern Florida. He is credited with helping thousands of disabled Floridians; in 1996 he prevented the state from cutting funding for the disabled, and in another 1996 ruling he influenced the state to eventually increase funding for the disabled by nearly $300 million.

Judge Ferguson was also active in community service. In addition to chairing the board of trustees of Florida Memorial College, he participated in the Judicial Council of the National Bar and the ''Just The Beginning Foundation''. He and his wife, County Commissioner Betty Tucker Ferguson, were also leaders in their local community.

Wilkie Ferguson's successes are numerous and vital, but he will be remembered for how he reached these goals as much as for the accomplishments themselves. The values of the supreme dignity and worth of every human being were not just abstract ends that he pursued through judicial decisions; they were also manifest in the respect and sensitivity with which he treated others. When a plaintiff needed to care for his disabled son, Judge Ferguson offered the use of his judicial chambers. In an article last week in the South Florida Sun Sentinel, attorney Joel Hirschhorn noted, ''Even in the worst criminal defendant, I think he saw the human side.''

Daniel Pearson, a former appeals judge, expressed that Ferguson ''added a dimension of fairness and humanity to the court.'' Judge Ferguson, who is survived by his wife, two children and three siblings, was also an extremely hard and dedicated worker, an exceedingly modest man and a good friend. His compassion and great judicial accomplishments will be missed by all.

TRIBUTE TO WELLINGTON E. WEBB, MAYOR OF THE CITY AND COUNTY OF DENVER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the exceptional accomplishments of a prominent citizen in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this distinguished public servant for his impressive record of civic leadership and invaluable service. It is to commend this eminent citizen that I rise to honor Wellington E. Webb, Mayor of the City & County of Denver.

Mayor Webb has been on the front lines of progress for decades and has proven to be a powerful force in transforming the landscape of our city. His career in public service began in 1972 when he was elected to the Colorado House of Representatives representing northeast Denver. In 1977, he was selected by then President Jimmy Carter to serve as Regional Director of the U.S. Department of Health, Education and Welfare. In 1981, then Colorado Governor Richard D. Lamm appointed him to his cabinet as Executive Director of the Colorado Department of Regulatory Agencies and in 1987, he was elected Denver City Auditor.

In 1991, Wellington Webb was elected mayor of Denver and is the first African American to hold this office. He led our city through an era that has been characterized as a time of vision, energy, progress and economic transformation. Under his leadership, Denver's open space has increased by approximately fifty percent. Denver's economic turnaround during the 1990's is considered a national model. Mayor Webb's commitment to children and education spurred city investment into initiatives including the Safe City Program and the Summer Youth Employment Program. He stood up to violence in our community on numerous occasions and continually affirmed tolerance as a essential civic value. Mayor Webb has brought a passion for the Arts dedicating both time and resources to making our city a leading cultural center. He implemented some of the nations' most progressive historic preservation policies and our city has witnessed the economic benefits resulting from the preservation of Denver's historic core.

During his tenure, Mayor Webb led successful ballot initiatives to enhance our economic vitality and quality of life including expansion of the Colorado Convention Center and the Denver Zoo, renovation of the Quigg Newton Auditorium and construction of the Pepsi Center and INVESCO Field at Mile High. The expansion of the Denver Central Public Library and construction of the Blair-Caldwell African American Research Library and the Webb Municipal Building are also to his credit. Additionally, Mayor Webb promoted the redevelopment of the former Stapleton Airport and Lowry Air Force Base sites—two of the largest in-fill projects in the country—as well as guided the transformation of Central Platte Valley.

During his tenure, Denver International Airport established a reputation as one of the best run airports in the world which has enhanced the ability of existing firms to do business internationally and contributes to the region's ability to attract new businesses on a global scale. Mayor Webb led trade missions to China, Africa, Mexico and Europe to encourage investment and business development between nations. Under his leadership, Denver hosted World Youth Day with Pope John Paul II and hosted President Clinton and other world leaders for the Denver Summit of the Eight, an event that helped to put Denver on the global map.

Mayor Webb has held several prominent national positions including most recently, President of the United States Conference of Mayors. Magazines including Newsweek, Fortune and Ebony have recognized him as one of our nation's most influential civic leaders. He continues to collaborate closely with his wife, former six-term Colorado State Representative, Wilma J. Webb. As Denver's First Lady, she has worked on various issues impacting our youth and families. She previously served as the Secretary's Representatives for Region VIII of the U.S. Department of Labor and has chaired various governmental groups, represented the city at public and private meetings and hosted national and international dignitaries.

Wellington Webb's tenure as Mayor of the City and County of Denver is quickly drawing to a close. He has worked to preserve and improve the quality of life in our neighborhoods' and has been the catalyst for major civic enterprises and economic development undertakings in our city. The success Denver has enjoyed in recent years has been due, in large measure, to Mayor Webb's efforts in cultivating a shared vision and promoting inclusion. His leadership has been exemplary and his contributions are rich in consequence. On behalf of the citizens of the 1st Congressional District, I wish to express our gratitude and look forward to his continued involvement in our civic life.

Please join me in commending Mayor Wellington E. Webb, a distinguished public servant. It is the strong leadership he exhibits on a daily basis which continually enhances our lives and builds a better future for all Americans.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during rollcall vote No. 396. Had I been present, I would have voted ''yes.''

HONORING THE LIFE OF CARL McLLROY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor and celebrate the life of Carl McLlroy and all he has done for this Nation and East Vincent Township.

Carl McLlroy, a veteran of the Korean War, dedicated much of his life ensuring that the history of our Nation and our community was displayed in a manner we could all be proud of. As chairman of the East Vincent Historical Commission, Carl initiated efforts to restore a burial plot of 22 Revolutionary War soldiers, which is now known in our community as the Revolutionary Soldiers Cemetery. He spent countless hours manicuring, grooming, placing flags and planting flowers. Under his careful watch, a sign was placed above its entrance, a flagpole was erected and a wall was refurbished, all with Carl doing much of the work himself. He labored long and hard to turn this neglected treasure into a shrine that truly embraces the importance of the cause for which these soldiers died. Each year during Independence Day, our community gathers at the historic cemetery to honor the 22 soldiers that are buried there and celebrate the freedoms for which they fought.

On July 4, 2003, Carl McLlroy was honored with the 22 soldiers at the Revolutionary Soldiers Cemetery and a plaque was unveiled that pays special tribute to him and all of his efforts. I ask that my colleagues join me today in celebrating the life and achievements of Mr. McLlroy. He was an exemplary citizen and a faithful patriot and he will truly be missed.

HONORING THE D.C. REDWINGS YOUTH PROGRAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Ms. NORTON. Mr. Speaker, I rise to honor the D.C. Redwings Youth Program for its extraordinary contributions to this Community as well as to inner city children. In only five short years, the D.C. Redwings have produced many of the Nation's top young athletes in the realm of track and field while preparing these youths for a more successful, rewarding life.

Although this program is primarily a sports-based organization, it also encourages youths to focus on education, community service and cultural awareness. Off the track, members are required to attend study hall and participate in various community outreach projects. The Redwings Program uses track and field as well as cross-country running as a vehicle to teach discipline, goal-setting and teamwork for youths, many of whom would be considered ''at risk.'' Furthermore, the team incorporates book clubs, SAT preparation courses and academic enrichment classes in order to develop well-rounded students and encourage further education.

Since its founding, D.C. Redwings Youth Program has produced many junior Olympians, nationally ranked athletes, and All-American runners while fostering an invaluable sense of success and accomplishment in all aspects of their lives. An impressive thirty-eight athletes qualified and competed in the AAU Track and Field Junior Olympics this year alone. The team's success has generated numerous national titles and has turned this relatively small team into one with great promise. The talented athletes repeatedly surpass the expectations of both supporters and competitors.

This season has yielded less than ideal circumstances due to both weather and security, but these conditions clearly illustrate the team's commitment and determination for the sport. After study hall, these youngsters would train in freezing temperatures, pouring rain and a foot of snow. Even during weeks of police-supervised practice and the hunt for D.C.'s serial sniper, when all other athletic and extracurricular activities were discontinued, the Redwings carried on with practice as usual. All throughout this ordeal, the team persistently demonstrated their passion, and their commitment set them apart from the rest.

Mr. Speaker, the D.C. Redwing Youth Program has quickly established itself as one of the most respectable organizations for inner city children. Their track and field team as well as their cross country team command national respect for their talent and enthusiasm. Moreover, the Redwings remain the only independent youth track team in D.C., and we should be proud to have them represent our city. The organization's head coach and founder, Mr. Desmond L. Dunham, deserves our deepest thanks for his dedication to these athletes' future. It is my honor to recognize the Redwings for their unrelenting commitment in improving so many lives.

HONORING THE GREATER RACINE AREA

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today in support of H. Con. Res. 230, which honors the ten communities that received the National Civic League's All-America City

Award for 2003. As the latest recipients of the prestigious 54-year-old award, these communities embody the spirit of American democracy by demonstrating how cooperation between citizens, businesses, volunteer organizations, and local government leads to the resolution of the critical problems facing America's cities.

I am extremely proud to represent the Greater Racine Area, an All-America city and a tremendous asset to Wisconsin's First Congressional District. Over the past few years, the citizens of Racine and the surrounding area have worked diligently to implement multiple initiatives that have positively impacted the lives of those who live in Racine County. For example, the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement is an initiative that uses revenue from Racine's outlying communities to make improvements to the city's wastewater treatment infrastructure and enhance the city's cultural attractions such as its zoo, fine arts museum and library. A second initiative, the West Sixth Street Revitalization effort involves the participation of citizens, local businesses and government to help rebuild run-down homes in the inner city. Finally, the Racine County Youth As Resources (YAR) program is an exemplary project that encourages young people to take an active role in improving their own neighborhoods. This program provides grants for youth-led community service projects such as neighborhood cleanup programs, educational programs and services for the elderly.

I commend the citizens of the Greater Racine Area for their dedication to improving their community and applaud their willingness to employ innovative methods and basic American ideals toward the achievement of that goal. Racine, Wisconsin is truly a role model for other communities to follow and a deserving recipient of the 2003 All-America City Award. I ask my colleagues to join me in supporting H. Con. Res. 230, honoring the Greater Racine Area and the other nine communities that symbolize America's strong tradition of embracing civic responsibility and upholding the tenets of democracy.

CONGRATULATING DOROTHY KONICHEK FOR DISTINGUISHED CIVIC SERVICE

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. KIND. Mr. Speaker, it is with great pleasure that I rise before you today to honor Dorothy Konichek for her commendable service to the community of Prairie du Chien. Mrs. Konichek is celebrating her 80th birthday and has been a citizen of Prairie du Chien for 64 of those years. As we celebrate this special day, we must also honor Mrs. Konichek for her distinguished citizenship and service.

She has an unbelievable dedication to serving her community and has extended her goodwill to many organizations. Mrs. Konichek has given countless hours to the seniors in her community by volunteering at the Care Center. She eagerly offers her generosity and kindness of heart to ensure that the well-being of the senior members of Prairie du Chien is met. She has tirelessly given her time at the Meadow Lane Group Home for the developmentally disabled and has eagerly taken on leadership positions in her church and community that have contributed to the welfare of Prairie du Chien's youth.

I am proud to congratulate Dorothy Konichek on the celebration of her 80th birthday. It is important that we all recognize and commend her for her remarkable character and distinguished citizenship. Her commitment to service has supported the community of Prairie du Chien for 64 years. Mrs. Konichek embodies a standard of service that can be appreciated by all who live in the State of Wisconsin.

Alma Center, WI, June 22, 2003.

Representative RON KIND,
House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE KIND: My mother, Dorothy Konichek, long time resident of Prairie du Chien, will be celebrating her 80th birthday on July 28, 2003. She has been a valuable citizen of Wisconsin for about 78 years and a resident Prairie du Chien for 64 of those years.

I am requesting from your office a Letter of Commendation for her years of giving to the people of Prairie du Chien, making it a better city in which to live. No, these are not the types of things that will get you in the local paper but people doing these types of things are what make for healthy communities.

Here are the reasons why I feel such. a commendation is in order.

Den mother with the Boy Scouts; Girl Scout leader; Sunday School teacher in her local church; her many hours of service to the developmentally disabled at the Meadow Lane group home; volunteering at the Care Center; looking after many elderly persons throughout the years, cleaning their homes and providing meals; being there with a listening ear for more people than I could count; and taking people for groceries who do not drive.

The list could go on and on. My mother is truly a person who loves and cares for the people around her never asking for anything in return. I'm sure you will agree that people like this are what make for a strong community. I feel she has helped to make Prairie du Chien a better place to live.

Thank you for considering my request. Her five children are hosting an open house for her on July 19th, at the Faith Evangelical Free Church, in Prairie du Chien, from 1:30–4:30, with a special program being held at 2 p.m. If you feel you can honor my request, the letter would be presented at that time. You may write me at the above address or e-mail me.

Thank you for your response.

Sincerely yours,

MARY (KONICHEK) MANDIGO.

SALUTING BEN CURTIS, BRITISH OPEN CHAMPION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. TIBERI. Mr. Speaker, up until yesterday, when golf fans spoke of ''Ben,'' they probably meant Ben Hogan, one of the game's legends. But today another ''Ben'' stands atop the world of golf—Ben Curtis, the 2003 champion of the British Open.

Ben is a 26-year-old rookie on the PGA Tour who learned the game at the Mill Creek Golf Club, built by his late grandfather northwest of Columbus in Ostrander, Ohio, which his family still operates. Obviously, he learned well.

Ben, who has yet to win on the PGA tour, entered the British Open, in his words, ''just trying to play the best I could.'' His best turned out to be good enough to beat some of golf's best, including Davis Love III, Vijay Singh and Tiger Woods. His one-under-par, 283-stroke total for the four-day tournament made him the first player since Francis Ouimet at the 1913 U.S. Open to win a major championship on his first try.

I had the opportunity to become acquainted with Ben's grandparents, Bill and Myrtie Black. Bill, who died this past February, taught Ben the game. Ben's father is the golf course superintendent at Mill Creek. Family and friends were on hand at the clubhouse yesterday to watch Ben play on television. His victory was one that anyone from small town America, or who grew up with parents that instilled values and work ethic, can appreciate.

An impossible dream? For Ben Curtis, obviously not. Instead, his improbable British Open victory was a dream come true. I join with Ben's family and friends and the entire golfing world in saluting his outstanding accomplishment. It definitely will not be his last.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. BURGESS. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: July 17, 2003, rollcall vote 382, on agreeing to the Gallegly Amendment, I would have voted ''no.'' Rollcall vote 383, on agreeing to the Rahall Amendment, I would have voted ''no.'' Rollcall vote 384, on agreeing to the Udall Amendment, I would have voted ''no.'' Rollcall vote 385, on agreeing to the Holt Amendment, I would have voted ''no.'' Rollcall vote 386, on agreeing to the Inslee Amendment, I would have voted ''no.'' Rollcall vote 387, on agreeing to the Bereuter Amendment, I would have voted ''yea.'' Rollcall vote 388, on agreeing to Taylor Amendment to the Udall Amendment, I would have voted ''yea.'' Rollcall vote 389, on passage of the FY 2004 Interior Appropriations bill, I would have voted ''yea.'' Rollcall vote 390, on the motion to instruct conferees for the Tax Relief, Simplification, and Equity Act, I would have voted ''no.'' July 18, 2003, rollcall vote 391, on agreeing to the Andrews Amendment, I would have voted ''yea.'' Rollcall vote 392, on agreeing to the Udall Amendment, I would have voted ''no.'' Rollcall vote 393, on agreeing to the Hefley Amendment, I would have voted ''no.'' Rollcall vote 394, on the motion to recommit the FY 2004 Energy and Water Appropriations bill, I would have voted ''no.'' Rollcall vote 395, on passage of the FY 2004 Energy and Water Appropriations bill, I would have voted ''yea.'' Rollcall vote 396, on the motion to instruct conferees for the Tax Relief, Simplication, and Equity Act, I would have vote ''no.'' Rollcall vote 397, on the motion to table to the resolution raising a question of the privileges of the House, I would have voted ''yea.''

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Ms. BERKLEY. Mr. Speaker, due to a family emergency, I was unable to vote July 15, 2003 through July 18, 2003. If I was in attendance on July 15, 2003, I would have voted ''nay'' on rollcall No. 360; ''yea'' on rollcall No. 361; ''nay'' on rollcall No. 362; ''nay'' on rollcall No. 363; ''nay''on rollcall No. 364; ''nay'' on rollcall No. 365; ''yea'' on rollcall No. 366; and ''nay'' on rollcall No. 367.

If I was in attendance on July 16, 2003, I would have voted ''yea'' on rollcall No. 368; ''yea'' on rollcall No. 369; ''yea'' on rollcall No. 370; ''nay'' on rollcall No. 371; ''nay'' on rollcall No. 372; ''yea'' on rollcall No. 373; ''yea'' on rollcall No. 374; and ''yea'' on rollcall No. 375.

If I was in attendance on July 17, 2003, I would have voted ''yea'' on rollcall No. 376; ''yea'' on rollcall No. 377; ''nay'' on rollcall No. 378; ''nay'' on rollcall No. 379; ''yea'' on rollcall No. 380; ''nay'' on rollcall No. 381; ''yea'' on rollcall No. 382; ''yea'' on rollcall No. 383; ''yea'' on rollcall No. 384; ''yea'' on rollcall No. 385; ''yea'' on rollcall No. 386; ''yea'' on rollcall No. 387; ''nay'' on rollcall No. 388; ''nay'' on rollcall No. 389; and ''yea'' on rollcall No. 390.

If I was in attendance on July 18, I would have voted ''nay'' on rollcall No. 391; ''yea'' on rollcall No. 392; ''nay'' on rollcall No. 393; ''yea'' on rollcall No. 394; ''nay'' on rollcall No. 395; ''yea'' on rollcall No. 396; and ''nay'' on rollcall No. 397.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

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:

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in opposition to the Hostettler/Gallegly amendment. The purpose of this amendment is to require the Secretary of the Department of State to regulate the issuance of consular identification cards by foreign missions in the United States. It directs the Secretary to issue regulations requiring foreign missions to issue consular identification cards only to bona fide nationals of the issuing country, to maintain accurate records of all such cards issued, to require recipients of such cards to notify the missions of address changes, to notify the Secretary of each such card issued in the United States, and to make records of such cards available for audit and review by the State Department at the Secretary's request.

In other words, this amendment would require the State Department to decide what the consulates of other countries can and cannot do with respect to consular identification documents, above and beyond existing law. On the face of it, this is not a good idea. Do we want other countries to do the same to us? Do we want other countries to tell our consulates how they can relate to our own citizens abroad?

In fact, although this amendment would apply to all consulate offices in the United States, it is apparent that the objective of the amendment is to regulate the issuance of a particular consular document, the Matricula Consular issued by the Mexican consulates. The Mexican consulates issue these cards to create an official record of its citizens in other countries. The Matricula is legal proof of such registration. This registration facilitates access to protection and consular services because the certificate is evidence of Mexican nationality. It does not provide immigrant status of any kind, and it cannot be used for travel, employment, or driving in the United States or in Mexico. The Matricula only attests that a Mexican consulate has verified the individual's identity.

This amendment would interfere with the rights of Mexico and other sovereign nations to issue whatever identification cards they want to issue to their citizens abroad, provided that they meet the requirements of the Vienna Convention. Under that convention, consular function is established as ''performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving State.'' There is no United States Federal law that forbids the issuance of consular identification cards. In fact, the Treasury Department has issued regulations under Section 326 of the PATRIOT ACT that would allow financial institutions to accept consular identification cards as valid forms of identification for the purpose of opening accounts.

The responsibility for carrying out the mandates of this amendment would fall on the State Department, but the State Department has an Interagency Working Group that is already working to address the issue of consular identification cards. The Mexican consulates have been issuing Matriculas for more than 130 years. We can wait a while longer to give the State Department an opportunity to formulate new policies on the basis of the report from that Interagency Working Group.

I strongly urge my colleagues to oppose this amendment.

TRIBUTE TO CHELSEA HIGH SCHOOL SOFTBALL TEAM, CHELSEA, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the Chelsea High School softball team who last month won their second consecutive Division II state championship. The Bulldogs compiled an impressive record of 36–4 and swept through the 2003 state playoffs outscoring their opponents 44 to 1 in the seven playoff games.

The Chelsea girls softball program has, over the past two seasons, compiled an outstanding overall record of 72–7–1 in winning back-to-back state championships. I salute the hard work and dedication of the players: Julia Arnold, Brynna Darwin, Cynthia Johnson, Katie Herman, Becky Sprague, Carly Daniels, Nicole Collins, Ali Mann, Missy Morcom, Alise Augustine, Katrina Moffett, Jenna Connelly, Danielle McClelland, Anna Arend, Mary Kate Setta and Christyna Toon.

We in Congress also pay tribute to the coaches whose personal interest, strong support and active participation played no small part in the team's success: Bob Moffett, Mark Musolf, Chris DeFant, Jenni Driskill, Kathy Sprawka, and head coach Kim Reichard. Under their guidance, the players have refined not only their athletic talents but learned the value of sportsmanship, the joy of camaraderie, the importance of teamwork, how to become a leader and motivate others, the rewards of hard work, how to deal with success and failure. These valuable lessons combined with a good education will serve them long after their days on the diamond have passed.

KEY JUDGMENTS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. KING of New York. Mr. Speaker, in light of the incessant barrage of attacks of inaccurate and baseless charges being made against President Bush by his political opponents and their allies in the media, I thought it important to include in the RECORD the declassified portions of the National Intelligence Estimate released by the White House this past Friday. This NIE clearly states the consensus view of our intelligence agencies that Saddam Hussein was attempting to reconstitute his nuclear capacity. The first half of these documents are being submitted today and the second half tomorrow. I commend these documents to all willing to approach this vital issue with an open mind.

[From October 2002 NIE]

IRAQ'S CONTINUING PROGRAMS FOR WEAPONS OF MASS DESTRUCTION

We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade. (See INR alternative view at the end of these Key Judgments.)

We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts. Revelations after the Gulf war starkly demonstrate the extensive efforts undertaken by Iraq to deny information. We lack specific information on many key aspects of Iraq's WJMD programs.

Since inspections ended in 1998, Iraq has maintained its chemical weapons effort, energized its missile program, and invested more heavily in biological weapons; in the view of most agencies, Baghdad is reconstituting its nuclear weapons program.

Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs; annual earnings in cash and goods have more than quadrupled, from $580 million in 1998 to about $3 billion this year.

Iraq has largely rebuilt missile and biological weapons facilities damaged during

Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production.

Baghdad has exceeded UN range limits of 150 km with its ballistic missiles and is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely, chemical warfare agents.

Although we assess that Saddam does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them. Most agencies assess that Baghdad started reconstituting its nuclear program about the time that UNSCOM inspectors departed—December 1998.

How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material.

If Baghdad acquires sufficient fissile material from abroad it could make a nuclear weapon within several months to a year.

Without such material from abroad, Iraq probably would not be able to make a weapon until 2007 to 2009, owing to inexperience in building and operating centrifuge facilities to produce highly enriched uranium and challenges in procuring the necessary equipment and expertise.

Most agencies believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors—as well as Iraq's attempts to acquire magnets, high-speed balancing machines, and machine tools—provide compelling evidence that Saddam is reconstituting a uranium enrichment effort for Baghdad's nuclear weapons program. (DOE agrees that reconstitution of the nuclear program is underway but assesses that the tubes probably are not part of the program.)

Iraq's efforts to re-establish and enhance its cadre of weapons personnel as well as activities at several suspect nuclear sites further indicate that reconstitution is underway.

All agencies agree that about 25,000 centrifuges based on tubes of the size Iraq is trying to acquire would be capable of producing approximately two weapons' worth of highly enriched uranium per year.

In a much less likely scenario, Bagbdad could make enough fissile material for a nuclear weapon by 2005 to 2007 if it obtains suitable centrifuge tubes this year and has all the other materials and technological expertise necessary to build production-scale uranium enrichment facilities.

We assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosari), and VX; its capability probably is more limited now than it was at the time of the Gulf war, although VX production and agent storage life probably have been improved.

An array of clandestine reporting reveals that Baghdad has procured covertly the types and quantities of chemicals and equipment sufficient to allow limited CW agent production hidden within Iraq's legitimate chemical industry.

Although we have little specific information on Iraq's CW stockpile, Saddam probably has stocked at least 100 metric tons (MT) and possibly as much as 500 MT of CW agents—much of it added in the last year.

The Iraqis have experience in manufacturing CW bombs, artillery rockets, and projectiles. We assess that they possess CW bulk fills for SRBM warheads, including for a limited number of covertly stored Scuds, possibly a few with extended ranges.

We judge that all key aspects—R&D, production, and weaponization—of Iraq's offensive BW program are active and that most elements are larger and more advanced than they were before the Gulf war.

We judge Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers, and covert operatives.

Chances are even that smallpox is part of Iraq's offensive BW program.

Baghdad probably has developed genetically engineered BW agents.

Bagbdad has established a large-scale, redundant, and concealed BW agent production capability.

Baghdad has mobile facilities for producing bacterial and toxin BW agents; these facilities can evade detection and are highly survivable. Within three to six months* these units probably could produce an amount of agent equal to the total that Iraq produced in the years prior to the Gulf war.

Iraq maintains a small missile force and several development programs, including for a UAV probably intended to deliver biological warfare agent.

Gaps in Iraqi accounting to UNSCOM suggest that Saddam retains a covert force of up to a few dozen Scud-variant SRBMs with ranges of 650 to 900 km.

Iraq is deploying its new al-Samoud and Ababi–100 SRBMs, which are capable of flying beyond the UN-authorized 150–km range limit; Iraq has tested an al-Samoud variant beyond 150 km—perhaps as far as 300 km,

Baghdad's UAVs could threaten Iraq's neighbors, U.S. forces in the Persian Gulf, and if brought close to, or into, the United States, the U.S. Homeland.

An Iraqi UAV procurement network attempted to procure commercially available route planning software and an associated topographic database that would be able to support targeting of the United States, according to analysis of special intelligence.

The Director, Intelligence, Surveillance, and Reconnaissance, U.S. Air Force, does not agree that Iraq is developing UAVs primarily intended to be delivery platforms for chemical and biological warfare (CBW) agents. The small size of Iraq's new UAV strongly suggests a primary role of reconnaissance, although CBW delivery is an inherent capability.

Iraq is developing medium-range ballistic missile capabilities, largely through foreign assistance in building specialized facilities, including a test stand for engines more powerful than those in its current missile force.

We have low confidence in our ability to assess when Saddam would use WMD.

Saddam could decide to use chemical and biological warfare (CBW) preemptively against U.S. forces, friends, and allies in the region in an attempt to disrupt U.S. war preparations and undermine the political will of the Coalition.

[Corrected per Errata sheet issued in October 2002]

Saddam might use CBW after an initial advance into Iraqi territory, but early use of WMD could foreclose diplomatic options for stalling the US advance.

He probably would use CBW when be perceived he irretrievably had lost control of the military and security situation, but we are unlikely to know when Saddam reaches that point.

We judge that Saddam would be more likely to use chemical weapons than biological weapons on the battlefield.

Saddam historically has maintained tight control over the use of WMD; however, he probably has provided contingency instructions to his commanders to use CBW in specific circumstances.

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war.

Iraq probably would attempt clandestine attacks against the U.S. Homeland if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge. Such attacks—more likely with biological than chemical agents—probably would be carried out by special forces or intelligence operatives.

The Iraqi Intelligence Service (IIS) probably has been directed to conduct clandestine attacks against US and Allied interests in the Middle East in the event the United States takes action against Iraq. The US probably would be the primary means by which Iraq would attempt to conduct any CBW attacks on the US Homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against US territory.

Saddam, if sufficiently desperate, might decide that only an organization such as al-Qaida—with worldwide reach and extensive terrorist infrastructure, and already engaged in a life-or-death struggle against the United States—could perpetrate the type of terrorist attack that be would hope to conduct.

In such circumstances, he might decide that the extreme step of assisting the Islamist terrorists in conducting a CBW attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

CONGRATULATING OF THE CITY OF TEMPE, ARIZONA

HON. J. D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. HAYWORTH. Mr. Speaker, I rise today to congratulate the City of Tempe, Arizona, one of ten communities in the United States selected to receive an All-America City Award from the National Civic League. The All-America City program recognizes civic excellence in communities in which citizens, government, businesses and non-profit organizations work together to address critical local issues.

This award is yet another recognition of what Tempe has achieved through innovative public-private partnerships that have made it one of the nation's finest cities. Dynamic collaboration on the three projects presented—Tempe Town Lake, Riverside Sunset Neighborhood and the Tumbleweed Youth Services—has enabled the city to successfully address important issues like crime, education and poverty. In this respect, Tempe is certainly a model for other cities.

Tempe Town Lake was a dry riverbed and crime magnet that has been cleaned up and is now the location of community festivals, athletic and cultural events, and development. Additionally, partnership with the U.S. Army Corps of Engineers will restore 170 acres into a natural habitat preserve.

To address the decline of the Sunset/Riverside Neighborhood, the city developed a series of partnerships with organizations and groups such as the Boys and Girls Club, the Riverside/Sunset Neighborhood Association, Scales Elementary School, and the Arizona State University College of Nursing. This collaboration successfully revitalized the neighborhood by building the Westside Multigenerational Center and offering numerous services including crime prevention services and new housing.

The final project recognized for its outstanding contribution to the community of Tempe is one that is close to my heart because we had to defend it when its mission came under attack. The Thomas J. Pappas School for the Homeless is not only an outstanding success as an educational institution, it is currently expanding its facilities to teach, feed and clothe even more homeless children. Moreover, the Pappas School, Tumbleweed Youth Services, the Tempe Community Council, and the First Congregational Church partnered to create Tempe's first homeless resource center for teens.

Mr. Speaker, through commitment to collaboration between the private and public sector, the City of Tempe has once again proven itself to be a model community. Mayor Neil Giuliano also deserves commendation for his leadership of the Tempe delegation as well as his work to encourage private sector investment in, and cooperation with, the City of Tempe.

I am proud to represent this great community and I am honored to co-sponsor House Concurrent Resolution 230 congratulating each of the All-America cities for their exemplary grassroots community-oriented problem solving efforts. Please join me in congratulating the City of Tempe and all of the 2003 All-America cities.

PAYING TRIBUTE TO JIM GRAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to recognize the many years of public service that Jim Gray of Alamosa, Colorado has devoted to our state. Jim's selfless contributions to his community as a member of the San Luis Valley Hospital's Board of Directors and as a local fireman have helped secure the health and lives of countless Coloradans. On his retirement, I am honored to speak of his accomplishments here today.

Jim joined the San Luis Valley Hospital Board in 1969, serving for thirty-four years. Some of the most notable improvements to the hospital and the quality of care provided there occurred during Jim's tenure as Chairman of the Board. Jim was instrumental in adding physicians to the board, providing doctors with a voice in the overall operation of the hospital.

While running his own business and serving the hospital, Jim also volunteered for more than twenty years as a fireman, retiring as Captain in 1979. He volunteered for the sole purpose of helping others, working to keep the community he loved safe.

Mr. Speaker, it is my sincere pleasure to pay tribute to Jim Gray before this body of Congress and this nation. I join with my colleagues here today in applauding Jim's civic-mindedness, and I am proud to bring Jim's years of service to the attention of my colleagues in this House today. Thank you, Jim, for the service you have provided our community, and I wish you the best in your future endeavors.

HONORING KAITLIN KELLY SHARKEY OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, athletics and leadership, that I am proud to salute Kaitlin Kelly Sharkey, a 2003 graduate summa cum laude of Northwest High School in Jackson, Michigan. Kaitlin is an exceptional individual and possesses an outstanding record of achievement in her academic career. Valedictorian of her class with a 4.0 grade point average, Kaitlin was also vice president of the senior class, secretary of the National Honor Society, and captain of the school's winning Social Studies team in the Jackson County Academic Games.

Throughout her high school career, Kaitlin has also excelled in athletics—earning 10 Varsity letters and the prestigious 12 Season Award for participating in 3 sports all 4 years in high school. As captain of her tennis and volleyball teams she received all-area and MVP honors. She also played three seasons at second base for the Mounties varsity softball team, earning honorable mention all conference her senior year. She received the Marine Corps Scholar Athlete Award and was selected 2003 Female Athlete of the year.

She devoted her energies to community service as well—as a member of a student advisory council for drug education and a first grade religious instruction teacher. She was awarded the Meijier Dignity and Respect Award.

Therefore, on behalf of the Congress of the United States, I am proud to join with her many admirers in extending our highest praise to Kaitlin Kelly Sharkey. To this remarkable young woman, we extend heartfelt good wishes as she pursues her educational goals and for all her future endeavors.

HONORING MEGHAN MAYDAY OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. SMITH of Michigan. Mr. Speaker, it is with great respect for the outstanding record of excellence she has compiled in academics, athletics and leadership, that I am proud to salute Meghan Mayday, a 2003 graduate of Hanover-Horton High School in Jackson, Michigan.

Meghan is an exceptional individual and possesses an outstanding record of achievement in her academic career. A member of the Hanover-Horton National Honor Society, Meghan enjoyed an active and fruitful high school experience—participating in school plays; concert, marching and pep bands; basketball and golf. But it was in track, specifically running cross country, that Meghan has demonstrated her exceptional will to succeed. Quite simply, she decided she was going to be a successful cross country runner and she did it. To quote her coach, Dean Blackedge, ''Mighan willed herself to be great.'' Having started to season without having run a single varsity race, Megan finished it as an All-American. She is the first runner at Havover-Horton High School to win a regional meet, and the first athletic at the school to earn All-American status. A leader who inspires others to go give their best, she captained both the cross country and track teams. She's been honored by the U.S. Marines as a Distinguished Athlete, and named Female Athlete of the Year.

Therefore, on behalf of the Congress of the United States, I am proud to join with her many admirers in extending praise to Meghan Mayday. To the remarkable young woman, we extend heartfelt good wishes as she pursues her educational goals and for all her future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, July 21, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life.

SD–430

Judiciary

To hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, and R. David Proctor, to be United States District Judge for the Northern District of Alabama, both of the Department of Justice.

SD–226

11 a.m.

Aging

To hold hearings to examine the consequences of direct-to-consumer advertising of prescription drugs.

SD–628

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Mark C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board, and Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation.

SD–538

Judiciary

To hold hearings to examine bankcruptcy and competition issues in relation to the WorldCom Case.

SD–226

JULY 23

9 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine public interest and localism.

SR–253

Foreign Relations

Business meeting to consider the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (Treaty Doc.106–45), protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on October 12, 1929, done at The Hague September 28, 1955 (The Hague Protocol) (Treaty Doc.107–14), STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS, WITH ANNEXES, DONE AT STOCKHOLM, MAY 22–23, 2001 (Treaty Doc.107–05), Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with Annexes, done at Rotterdam, September 10, 1998 (Treaty Doc.106–21), agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population done at Washington on October 16, 2001 (Treaty Doc.107–10), agreement Amending the Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the ''Treaty''), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the ''Agreement''). Enclosed is the report of the Secretary of State on the Agreement and a related agreement, effected by an exchange of notes at Washington on August 21, 2002, and September 10, 2002, amending the Annexes to the Treaty (Treaty Doc.108–01), amendments to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, with Annexes and agreed statements, done at Port Moresby, April 2, 1987, done at Koror, Palau, March 30, 1999, and at Kiritimati, Kiribati, March 24, 2002. Also transmitted, related Amendments to the Treaty Annexes, and the Memorandum of Understanding (Treaty Doc.108–02), and H. Con. Res. 209, commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

SD–419

10 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Health, Education, Labor, and Pensions

Business meeting to consider proposed Patient Safety and Quality Improvement Act of 2003, and the nominations of Daniel Pipes, of Pennsylvania, Charles Edward Horner, of the District of Columbia, and Stephen D. Krasner, of California,each to be a Member of the Board of Directors of the United States Institute of Peace, and Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission.

SD–430

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR–485

Judiciary

To resume oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Commission.

SH–216

2 p.m.

Judiciary

To hold hearings to examine the nominations of Rene Acosta, of Virginia, to be an Assistant Attorney General, and Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, both of the Department of Justice.

SD–226

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings to examine enhancing the role of the private sector in public transportation.

SD–538

2:45 p.m.

Foreign Relations

To hold hearings to examine status and prospects for reconstruction relating to Iraq.

SH–216

4 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine agricultural consolidation and the Smithfield/Farmland Deal.

SD–226

JULY 24

9:30 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the Congo Basin Forest Partnership; to be followed by hearings on the nomination of Donald K. Steinberg, to be Ambassador to the Federal Republic of Nigeria, Department of State.

SD–419

Judiciary
Business meeting to consider pending calendar business.
SD–226

Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the past and present of the administration's competitive sourcing initiative.
SD–342

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine federal biodefense readiness.
SD–430

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization.
SH–216

11 a.m.
Agriculture, Nutrition, and Forestry
Business meeting to markup H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape.
SR–328A

2 p.m.
Judiciary
To hold hearings to examine the Greater Access to Affordable Pharmaceuticals Act.
SD–226

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

3 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold oversight hearings to examine the competitive sourcing effort within the National Park Service.
SD–366

JULY 25

10 a.m.
Judiciary
Crime, Corrections and Victims' Rights Subcommittee
To hold hearings to examine deterrence of alien smuggling and human trafficking.
SD–226

JULY 28

2 p.m.
Aging
To hold hearings to examine mental health treatments for older americans with depression.
SD–628

JULY 29

9:30 a.m.
Foreign Relations
To resume hearings to examine the status and prospects for reconstruction resources relating to Iraq.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nomination of Howard Radzely, of Maryland, to be Solicitor for the Department of Labor.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore, S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.
SD–366

Veterans' Affairs
Business meeting to consider pending legislation and nominations, to be followed by a hearing on U.S. Army policies on the award of the Combat Medical Badge.
SR–418

JULY 30

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business, to be followed by oversight hearing on potential settlement mechanisms of the Cobell v. Norton lawsuit.
SH–216

2 p.m.
Indian Affairs
To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.
SH–216

SEPTEMBER 16

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.
SH–216

CANCELLATIONS

JULY 23

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine privacy and digital rights management.
SR–253

POSTPONEMENTS

JULY 22

2:30 p.m.
Veterans' Affairs
To hold hearings on pending legislation relating to VA-provided health care services including the following: S. 613, to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado, S. 615, to name the Department of Veterans Affairs outpatient clinic in Horsham, Pennsylvania, as the ''Victor J. Saracini Department of Veterans Affairs Outpatient Clinic'', S. 1144, to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the ''Jesse Brown Department of Veterans Affairs Medical Center'', S. 1156, to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, S. 1213, to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, S. 1283, to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and S. 1289, to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.
SR–418

Daily Digest

HIGHLIGHTS

House Committee ordered reported, HUD and Independent Agencies Appropriations and for FY 2204 and Emergency Supplemental Appropriations for FY 2003.

Senate

Chamber Action

Routine Proceedings, pages S9621–S9664

Measures Introduced: Five bills were introduced, as follows: S. 1432–1436. **Page S9638**

Measures Reported:

S. 481, to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments. (S. Rept. No. 108–108)

S. 926, to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies. (S. Rept. No. 108–109) **Page S9638**

Measures Passed:

Prison Rape Elimination Act: Senate passed S. 1435, to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape. **Pages S9659–64**

Homeland Security Appropriations: Senate began consideration of H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, taking action on the following amendment proposed thereto: **Pages S9623–26, S9628–29**

Pending:

Byrd Amendment No. 1317, to fulfill Homeland Security promises. **Page S9629**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Tuesday, July 22, 2003. **Page S9664**

Nominations Confirmed: Senate confirmed the following nominations:

Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration. **Pages S9659, S9664**

Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense. **Pages S9659, S9664**

Messages From the House: **Page S9634**

Measures Placed on Calendar: **Page S9634**

Measures Read First Time: **Page S9634**

Petitions and Memorials: **Pages S9634–38**

Additional Cosponsors: **Pages S9638–39**

Statements on Introduced Bills/Resolutions: **Pages S9639–42**

Additional Statements: **Pages S9632–34**

Amendments Submitted: **Page S9642**

Authority for Committees to Meet: **Page S9642**

Privilege of the Floor: **Pages S9642–43**

Text of H.R. 2658 as Previously Passed: **Pages S9643–59**

Recess: Senate met at 1 p.m., and recessed at 4:22 p.m., until 9:45 a.m., on Tuesday, July 22, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9664.)

Committee Meetings

(Committees not listed did not meet)

GOVERNMENT-SPONSORED ENTERPRISES

Committee on Governmental Affairs: Subcommittee on Financial Management, the Budget, and International Security concluded hearings to examine the risks and benefits to consumers related to government-sponsored enterprises, focusing on Fannie Mae

and Freddie Mac, and including their financial disclosures, after receiving testimony from Alex J. Pollock, Federal Home Loan Bank, Chicago, Illinois; Peter J. Wallison, American Enterprise Institute, F. Barton Harvey III, Enterprise Foundation, James C. Miller III, CapAnalysis Group, and W. Michael House, FM Policy Focus, all of Washington, D.C.; Bert Ely, Ely and Company, Inc., Alexandria, Virginia; Susan M. Wachter, University of Pennsylvania Wharton School, Philadelphia.

House of Representatives

Chamber Action

Measures Introduced: 12 public bills, H.R. 2801–2812; and 1 resolution, H. Res. 328, were introduced. **Page H7225**

Additional Cosponsors: **Pages H7225–26**

Reports Filed: Reports were filed as follows:

The following report replaces one filed on July 18, 2003: H. Res. 288, directing the Secretary of Transportation 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 an amendment (H. Rept. 108–220);

H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–221);

H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004 (H. Rept. 108–222);

H. Res. 286, directing the Secretary of Homeland Security 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, amended, adversely (H. Rept. 108–223);

H.R. 2738, to implement the United States-Chile Free Trade Agreement (H. Rept. 108–224 Part 1);

H.R. 2739, to implement the United States-Singapore Free Trade Agreement (Part 1, H. Rept. 108–225 Part 1);

H. Res. 326, providing for consideration of H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–226); and

H. Res. 327, providing for consideration of H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004 (H. Rept. 108–227). **Page H7224**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Peterson of Pennsylvania to act as Speaker pro tempore for today. **Page H7171**

Recess: The House recessed at 12:37 p.m. and reconvened at 2 p.m. **Page H7172**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Tornado Shelters Act: H.R. 23, amended, amending the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; **Pages H7172–74**

PROTECT Act Amendment: S. 1280, amending the PROTECT Act to clarify certain volunteer liability—clearing the measure for the President; **Pages H7177–78**

Codification of the U.S. Code: H.R. 1437, improving the United States Code; **Pages H7174–77**

Postmaster's Equity Act: H.R. 2249, amending chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service; **Pages H7178–79**

National Community Health Center Week: H. Res. 240, expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; **Pages H7179–81**

All America City Award: H. Con. Res. 230, honoring the 10 communities selected to receive the 2003 All-America City Award; **Pages H7181–83**

William J. Scherle Post Office, Glenwood, Iowa: S. 1399, redesignating 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''—clearing the measure for the President; **Pages H7183–84**

Robert A. Borski Post Office, Philadelphia, Pennsylvania: H.R. 2328, designating the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''; **Pages H7184–86**

Veterans Health Care Improvement Act: H.R. 2357, amended, amending title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, agreed to amend the title so as to read ''A bill to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States''; **Pages H7187–89**

National Cemetery Expansion Act: H.R. 1516, directing the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania (agreed to by a yea-and-nay vote of 408 yeas with none voting ''nay'', Roll. No. 399). Agreed to amend the title so as to read ''A bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System''; and **Pages H7189–92, H7196**

Recognizing the 50th Anniversary of the Korean War Armistice: H. Con. Res. 212, recognizing and supporting the goals and ideals of the Year of the Korean War Veteran (agreed to by a yea-and-nay vote of 408 yeas with none voting ''nay'', Roll No. 400). **Pages H7192–95, H7196–97**

Recess: The House recessed at 3:55 p.m. and reconvened at 6:33 p.m. **Page H7195**

Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees: The House rejected the Van Hollen motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act, that was debated on July 18, by a yea-and-nay vote of 193 yeas to 212 nays, Roll. No. 398. Subsequently Representative Ross announced his intention to offer a motion to instruct conferees on the bill. **Pages H7195, H7197–98**

Question of Privilege: Representative Rangel gave notice of his intention to offer a resolution concerning a question of privilege under Rule 9. **Page H7197**

Senate Messages: Message received from the Senate today appears on page H7171.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7226–27.

Quorum Calls—Votes: Three yea-and-nay votes and no recorded votes developed during the proceedings of the House today and appear on pages H7195, H7196, and H7196–97. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:12 p.m.

Committee Meetings

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS; EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Committee on Appropriations: Ordered reported the following: VA, HUD and Independent Agencies appropriations for fiscal year 2004; and the Emergency Supplemental appropriations for fiscal year 2003.

BROADBAND SERVICES—REGULATORY STATUS

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''The Regulatory Status of Broadband Services: Information Services, Common Carriage, or Something in Between?'' Testimony was heard from Robert Pepper, Chief, Policy Development, Office of Strategic Planning and Policy Analysis, FCC; Charles M. Davidson, Commissioner, Public Service Commission, State of Florida; and public witnesses.

''IS DOD MEETING STRIKE FIGHTER INTERNATIONAL COOPERATIVE PROGRAM GOALS?''

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''Is DOD Meeting Strike Fighter (JSF) International Cooperative Program Goals?'' Testimony was heard from Katherine V. Schinasi, Director, Acquisition and

Sourcing Management, GAO; and the following officials of the Department of Defense: Al Volkman, Director, Acquisition, Technology and Logistics (International Cooperation); Suzanne Patrick, Deputy Under Secretary, Acquisition, Technology and Logistics (Industrial Policy); and Maj. Gen. John L. Hudson, USAF, Program Management, Joint Strike Fighter (JSF) Program.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Kolbe, Biggert, Obey, Lowey, Jackson of Illinois, Frank of Massachusetts, and McCollum.

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Wolf, Ose, Serrano, and Jackson-Lee of Texas.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D819)*

S. 709, to award a congressional gold medal to Prime Minister Tony Blair. Signed on July 17, 2003. (Public Law 108–60).

COMMITTEE MEETINGS FOR TUESDAY, JULY 22, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Mark C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board, and Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation, 2 p.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed, 10 a.m., SD–366.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life, 10 a.m., SD–430.

Committee on the Judiciary: to hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, and R. David

Proctor, to be United States District Judge for the Northern District of Alabama, both of the Department of Justice, 10 a.m., SD–226.

Full Committee, to hold hearings to examine bankruptcy and competition issues in relation to the WorldCom Case, 2 p.m., SD–226.

Special Committee on Aging: to hold hearings to examine the consequences of direct-to-consumer advertising of prescription drugs, 11 a.m., SD–628.

House

Committee on Agriculture, hearing to review Geographical Indications and the World Trade Organization's agricultural negotiations, 10 a.m., 1300 Longworth.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on ''Consolidation Loans: What's Best for Past Borrowers, Future Students and U.S. Taxpayers?'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''FASB Derivative Accounting Standards,'' 2 p.m., 2123 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled '' 'Bump Up' Policy Under Title I of the Clean Air Act,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing and markup of H.R. 1985, FHA Multifamily Loan Limit Adjustment Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on H.R. 2432, Paperwork and Regulatory Improvements Act of 2003, 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Europe, hearing on The United States and the European Union: Understanding the Partnership, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, and the Select Committee on Homeland Security, joint hearing entitled ''The Terrorist Threat Integration Center (TTIC) and Its Relationship with the Departments of Justice and Homeland Security,'' 1 p.m., 2118 Rayburn.

Subcommittee on Commercial and Administrative Law and the Subcommittee on the Constitution, joint hearing on H.R. 338, Defense of Privacy Act and Privacy in the Hands of the Government, 10 a.m., 2141 Rayburn.

July 22, Subcommittee on Courts, the Internet, and Intellectual Property, to mark up the following bills: H.R. 2391, Cooperative Research and Technology Enhancement (CREATE) Act of 2003; H.R. 2714, State Justice Institute Reauthorization Act of 2003; and H.R. 1768, Multidistrict Litigation Restoration Act of 2003, 4 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, hearing on the John Rishel Geothermal Steam Act Amendments of 2003, 2 p.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 546, Kaloko-Honokohau National Historical Park Addition Act of 2003; H.R. 2457, Castillo de San Marcos National Monument Preservation and Education Act; and H.R. 2715, to provide for necessary improvements to facilities at Yosemite National Park, 2 p.m., 1334 Longworth.

Committee on Science, to mark up the following bills: H.R. 2734, Federal Aviation Administration Research and Development Reauthorization Act; H.R. 1085, NASA Flexibility Act of 2003; H.R. 1856, Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003; H.R. 2183, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003; H.R. 2608, National Earthquake Hazards Reduction Program Reauthorization Act of 2003; and H.R. 2692, United States Fire Administration Authorization Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Workforce, Empowerment and Government Programs, hearing on Federal Procurement Policy: Is the Federal Government Failing Certain Industrial Sectors? 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing on elimination of waste, fraud and abuse in mandatory transportation programs as required by the fiscal year 2004 budget resolution reconciliation instructions, 11 a.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, hearing on Interim Final Regulations on Port Security, 2 p.m., 2157 Rayburn.

Permanent Select Committee on Intelligence, executive, to consider pending business, 11 a.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Cybersecurity, Science and Research and Development, hearing entitled ''Cybersecurity-Getting It Right,'' 10 a.m., 2118 Rayburn.

Next Meeting of the SENATE

9:45 a.m., Tuesday, July 22

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of H.R. 2555, Homeland Security Appropriations.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, July 22

House Chamber

Program for Tuesday: Consideration of H.R. 2800, Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2004 (open rule, one hour of general debate); and

Consideration of H.R. 2799—Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for Fiscal Year 2004 (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1541
Berkley, Shelley, Nev., E1545
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Tiberi, Patrick J., Ohio, E1544

Congressional Record

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