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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Ben Haden, Changed Lives Ministries, Chattanooga, Tennessee, offered the following prayer:

Join me in prayer.

Almighty God, our Heavenly Father, we come in simplicity and honesty. You are God; we are not. Thank You, Lord, for giving to these unique men and women the political gift to be elected and the opportunity to serve You, country, and their constituency. Bless us, Lord, on the inside and make Your will plain, that these Your leaders may lead and legislate to the honor of God and to the glory of this free country.

Bless us, Lord, in this war against terrorism with victory and balance. Humble us and teach us Your greatness, Your love, and Your forgiveness. And bless these our leaders with judgment, vision, and confidence in our future. I pray in the name of Jesus Christ, my personal Lord, my personal saviour, and my personal friend. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. ETHERIDGE) come forward and lead the House in the Pledge of Allegiance.

Mr. ETHERIDGE led the Pledge of Allegiance as follows:

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

WELCOMING PASTOR BEN HADEN OF CHANGED LIVES MINISTRIES

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

Mr. WAMP. Mr. Speaker, I rise today to welcome one of Chattanooga, Tennessee's finest citizens, Pastor Ben Haden, to the House of Representatives as our guest chaplain for today. It is very special to introduce Ben, because he is a humble man of God with a ministry that has touched thousands of lives.

Ben's first career was in the newspaper business; but in the middle of his life, Jesus Christ touched his heart and 4 decades of ministry began. He came to First Presbyterian Church of Chattanooga in 1967 and quickly gained a reputation for his passion, his heart, and his sermons. His popularity and ability to draw worshipers soon resulted in closed-circuit televisions being set up in the chapel and fellowship hall for overflow crowds.

Not long after coming to First Presbyterian, Ben launched his own radio ministry, ''Changed Lives,'' on a radio station in Chattanooga. This ministry eventually grew to include a television program watched regularly by thousands, including the Reverend Billy Graham.

In March of 1999, Ben stepped down as senior pastor from the First Presbyterian Church to devote his full energies to his radio ministry ''Changed Lives.''

Mr. Speaker, I would like to thank Father Coughlin for inviting Ben Haden to offer our invocation on this day that the Lord hath made. Let us rejoice and be glad in it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS). The Chair will entertain ten 1-minute speeches on each side.

INTERNATIONAL COMMUNITY MUST ACT NOW TO HELP THE PEOPLE OF BURMA

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

Mr. PITTS. Mr. Speaker, our State Department should urge, as all of us should, the U.N. Security Council to immediately address the ongoing conflict in Burma. Democracy leader Aung San Suu Kyi remains disappeared, and the military junta will not disclose her whereabouts.

The so-called Burmese State Peace and Development Council, the SPDC, which is their name for the military junta, uses slave labor, child soldiers, and mass rape campaigns against the people, the exact opposite of bringing peace and development to Burma. Yet the SPDC is now lobbying surrounding governments to gain support for its rule.

The Prime Minister of Thailand has created a road map for peace in Burma, but the plan leaves the brutal dictatorship in power.

What will it take for the international community to act? How many political prisoners must be tortured and ethnic villagers brutally raped and then murdered? How long must somebody be held incommunicado before strong, decisive action against the SPDC is taken?

Mr. Speaker, the international community must act now to help the people of Burma.

UNFUNDED FEDERAL MANDATE: STOP THE FEDS FROM PASSING THE BUCK FOR EDUCATION REFORM

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to demand that the Congress and

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the President stop passing the buck on education reform to our States and local communities.

Last week the House Committee on Rules held a hearing to consider the issue of unfunded mandates. As I have noted on several occasions on the House floor, the Bush administration's $20 billion cut to the No Child Left Behind Act has created a massive unfunded Federal mandate. As the former superintendent of my State's public schools, I know firsthand that unfunded mandates will cause real pain at the local level.

I believe the Federal Government must live up to its obligation to fund education reform. It is simply wrong to pass a piece of legislation that says we are going to give you all that money to Leave No Child Left Behind and then leave the money behind, while still forcing schools to achieve new standards.

I have introduced legislation that requires full funding of the No Child Left Behind Act, and I urge my colleagues to join me in stopping the Federal practice of passing the buck to States and local communities.

HELP FROM UNEXPECTED PLACES

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

Mr. PENCE. Mr. Speaker, the Bible asks the question, ''From where does my help come from?'' And sometimes help comes from unexpected places, like an anonymous civilian in Mosul who brought the sadistic sons of a dictator to justice yesterday; and like the words of a former President supporting the Bush administration's assertion that Saddam Hussein likely had weapons of mass destruction.

It was last night on CNN, former President Bill Clinton said, ''When I left office, there was a substantial amount of biological and chemical material unaccounted for. That is, at the end of the first Gulf War we knew what he had. We knew what was destroyed in all the inspection processes. We bombed for 4 days in 1998, may have gotten it all, may have gotten half of it, may have gotten none of it, but we didn't know.''

''So,'' President Clinton said, ''I thought it was prudent for the President to go to the U.N.''

And he went on to say, ''If you don't cooperate, the penalty could be regime change, not just continued sanctions.'' So said former President Bill Clinton.

Thank you, President Clinton, for confirming what President Bush told America: Saddam Hussein had biological and chemical weapons and confronting him was prudent.

HADLEY? HARDLY!

(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, Steven Hadley, the Deputy National Security Advisor, tried to take the President, the Vice President, the Secretary of Defense, and the National Security Advisor off the biggest hook in town by accepting the blame for the President falsely claiming in the State of the Union that Iraq was trying to go nuclear.

Hadley says he had ''forgotten'' the previous memos from Director Tenet discounting an Iraq-Niger uranium connection and neglected to remove this information from the speech.

So the American people are being asked to believe that the bogus major cause of war against Iraq eliminating a nuclear threat was advanced because a lower-level functionary simply overlooked a memo from a higher functionary, and that the President, the Vice President, the Secretary of Defense, and the National Security Advisor were all blissfully unaware of the fact that false nuclear claims they were circulating about Iraq were simply the result of a memo misfiled by a national security clerk named Hadley.

Hadley? Hardly. Hadley? Hardly. Hadley? Hardly.

LOSS OF A HERO

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

Mr. BURGESS. Mr. Speaker, the State of Texas lost a hero last week. Tex Schramm, the former Dallas Cowboys president and general manager, died at the age of 83.

Mr. Schramm's passion focused on the Dallas Cowboys, but he was always looking out for the entire NFL. He had ideas ranging from using the phrase ''America's team'' to letting officials correct calls through instant replay.

In 1991 he became the first team executive elected to the Pro Football Hall of Fame.

His partnership with Coach Tom Landry produced 20 straight winning seasons, from 1966 to 1985, 18 playoff appearances, 13 division titles, five Super Bowl appearances, and two championships.

Tex Schramm was a significant force in the AFL–NFL merger in 1966; and he was the original chairman of the league's competition committee, a position he held from 1966 to 1988.

Instant replays and sideline radios in quarterback helmets were his ideas, but he also promoted the six-division, wild card playoff concept and will be forever remembered for introducing America to the Dallas Cowboys Cheerleaders.

To the man who left a hole in the Texas stadium roof so God could watch his team, Tex, I know you are watching too.

U.S. TRADE POLICIES ARE FAILING

Mr. DEFAZIO. Today Congress will vote on and approve so-called free trade agreements with Singapore and Chile. We find our Nation sunk in the hole of a $500 billion trade deficit, and Congress is going to get out the shovels and dig a little deeper.

Mr. Speaker, 251,000 manufacturing jobs have been lost so far this year, exported from the United States; 53,000 jobs in May alone. We have a record 136.1 trade deficit for the first 3 months on a track to $550 billion trade deficit this year.

Our trade policies are failing our workers and our Nation and our future. And the response of this administration and this Congress is a collective yawn and a vote to continue down the same disastrous path. It is pathetic.

RECENT LEGISLATION CREATING LARGER GOVERNMENT PROGRAMS

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

Mr. STEARNS. Mr. Speaker, I am concerned that a lot of our recent legislation will create even larger government programs. We face large deficits; yet we continue to spend, and I am concerned.

Recently we had several amendments here on the House floor to reduce spending by 1 percent across the board, yet they failed. We have increased spending on education, agricultural subsidies, and AIDS in Africa, and a tax rebate for those who do not pay taxes. Now, honest men will call this income redistribution. We also have a new prescription drug benefit close at hand.

If we continue to add new government programs, we will create even a bigger and bigger government. Instead, we should try to solve our problems with conservative and free market principles, that is, bring choice, competition, and personal responsibility to our legislative initiatives.

□ 1015

AMERICAN NATIONAL DEBT

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

Mr. HILL. Mr. Speaker, it has been 803 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time the national debt has increased by $1,082,452,325,550. According to the website for the Bureau of Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. Eastern Standard Time, the Nation's outstanding debt was $6,722,777,711,908. Furthermore, in fiscal year 2003, interest on our national debt, or the ''debt tax,'' is $277,768,492,816 through June 30, 2003.

IT IS TIME FOR ACTION ON MEDICARE REFORM

(Mr. BURNS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today in recognition of the 38th anniversary of Medicare.

Medicare has faithfully provided health care to nearly 40 million Americans. However, as Medicare nears its 40th year it is in a terrible crisis; a crisis of confidence, a crisis of finance, and a crisis of direction.

You see, Mr. Speaker, medical care is not the same today that it was 38 years ago. That is why I supported H.R. 1, legislation that will finally grant America's seniors the health care choice and prescription drug benefits that they have waited almost 4 decades to enjoy. It is time for action. I urge my colleagues to join with me in protecting, preserving, and enhancing Medicare.

HONORING DR. MICHAEL DEBAKEY

(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, Dr. Michael DeBakey is a friend of mine, a friend of the community. The renown House surgeon is a cherished member of the Houston community, the State of Texas and this Nation. That is why I was so proud as a Texan to be able to carry legislation that would name the Houston Veterans Hospital in my Congressional district after this great American. In so doing, I sought the support of all of the members of the Texas delegation and carried the legislation in both the 107th and 108th Congress.

Lo and behold, everyone signed to be a co-sponsor except the majority leader, the gentleman from Texas (Mr. DELAY. Although we asked on several occasions, his sponsorship did not occur. But yet I pursued because I believe that the honor was owed to Dr. DeBakey. I would think that Texans would be able to work together. But in the dark of night, the gentleman from Texas (Mr. CULBERSON), I understand, a colleague, offered a late night amendment in the VA-HUD bill without contacting our office, without talking to my constituents, without working in a collaborative effort.

I did not know to what level we would get in breaking collegiality in this body, but I believe it has gone to its lowest level. I pay tribute to Dr. DeBakey. I will continue to work to make sure this legislation is passed and signed, but I will not stand and have my constituents or the 18th Congressional District so disrespected by colleagues in this body. It is a shame and a disgrace to the way we have worked together on behalf of Texas.

To Dr. DeBakey, I salute you. We will get this legislation passed and it will be passed with the love, admiration and respect of the people of the 18th Congressional District, not with underhanded tactics to undermine individuals who are working on behalf of their constituents.

INDIA INDEPENDENCE DAY

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend India on its annual celebration of Independence Day on August 15, 1947. Happy 56th birthday, Republic of India, the world's largest democracy and friend of America, the world's oldest democracy.

On that day, India became a free nation modeling its constitution after our own. For nearly 56 years the people of India have faithfully adhered to democratic principles. During the Cold War we were not allied as closely as we should have been. However, times have changed now. India's economy is rapidly reforming and historic joint military exercises are taking place between our two great nations.

According to Ambassador Lalit Mansingh, trade between India and America soared 20 percent last year. Also, importantly, the Indian American community should be recognized for their leadership, entrepreneurship, family values and faith. Many Indian Americans left their homelands, immediately assimilated and have achieved great success in America. As cochair of the India Caucus I am so proud of this dynamic community in South Carolina and nationwide.

It is my sincerest hope that this new friendship between the United States and India blossoms into a solid, serious relationship between mutual allies.

In conclusion, God bless our troops.

PATRIOT ACT ABUSES

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, when the PATRIOT Act was enacted in the aftermath of September 11, civil rights advocates expressed great concern about the potential for abuse of the law by law enforcement officials. Unfortunately, many of their concerns were warranted.

The Inspector General recently delivered findings of a new government investigation to Congress. In it he states that his office acted on 34 credible PATRIOT Act violations in the first half of 2003 alone and that he received over 270 allegations of abuse.

The complaints are diverse. They range from an officer holding a loaded gun to the head of a detainee, to a prison guard ordering a Muslim inmate to remove his shirt so that the guards could use it to shine his shoes. These incidents are intolerable and they demand further review, and I commend the Inspector General for bringing them to our attention.

The PATRIOT Act was intended to enhance our homeland security, not to create an atmosphere of bigotry and abuse towards our immigrant communities.

While the safety of our citizens is paramount, we must take caution to find a balance that preserves our civil liberties on which our great Nation was founded.

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE

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

Mr. BOOZMAN. Mr. Speaker, I rise today to commemorate the upcoming 50th anniversary of the Korean War Armistice and to honor all of the brave veterans who served in this conflict. On July 27, 1953, the Korean War Armistice Agreement took effect ending a 3-year war that was a crucial step in stopping the spread of communism and Soviet influence. U.S. troops, along with their allies, turned back North Korea's aggression and protected South Korea from falling into communist rule.

Today South Korea stands as a beacon, an economically prosperous republic, and a part of the world where stable democracies are not usually the norm.

We all know by reading the headlines that things are not so good just across the 38th Parallel.

Mr. Speaker, this Sunday marks the 50th anniversary of the end of the Korean War. It is important that we be eternally grateful to the men and women who took part in this campaign, for without their sacrifices the fall of the Soviet Union may never have been possible.

WHEN DO WE GET THE INVESTIGATION

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

Mr. MCDERMOTT. Mr. Speaker, the White House is beginning to sound more and more line Animal House, in that you have a bunch of adolescents over there and they keep running forward saying, I did it, I did it.

First it was Mr. Tenet and now we have Mr. Hadley. When are we going to get the truth? When are we going to have an investigation, not in secret, done by the Permanent Select Committee on Intelligence, but out in the open. They did it in the British Parliament. They were not afraid of democracy there. But here we have to have everything secret. We need an investigation about who did it.

Where was Condoleezza Rice? This guy Hadley worked for her. Does she make the decisions or does he? I have not heard her stand up and say, well, if I had only put my hand up and said no, it would not have happened.

But what is even more devious about this is if you complain they attack. A Senator, a member of the other body, was attacked because he pointed out that somebody in the White House had the nerve, the nerve to uncover a CIA operative. That is a Federal crime.

Now, if we do not have an investigation and find out who it is in the White House that thinks they can just get on the horn and talk to a newspaper reporter and say, hey, did you know so and so was working for the CIA? That person should be fired immediately and probably charged. But we know they were sent out there to do it by the folks upstairs.

When we will have another, oh, gee, I did not know, I should not have done it?

When do we get the investigation, Mr. Speaker?

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentlewoman will state the inquiry.

Ms. PELOSI. Mr. Speaker, my inquiry is as to when the privileged resolution of the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, will be brought up before the House.

The SPEAKER. It is in order sometime today at the discretion of the Chair.

Ms. PELOSI. Would that be very late at night or would it be during the day when people would have a chance to hear the debate?

The SPEAKER. The Chair will advise the gentlewoman that he will take that under consideration. It is the intent of the Chair to have it during regular business hours today.

Ms. PELOSI. Mr. Speaker, my concern springs from the fact that we have a long legislative day today.

PRIVILEGES OF THE HOUSE—MANNER OF CONDUCTING MARKUP OF LEGISLATION IN COMMITTEE ON WAYS AND MEANS

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 330) and ask for its immediate consideration.

The Clerk read the resolution, 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 Ways and Means Committee 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 of 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 the committee library, as well as the manner in which he conducted the markup of legislation 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, and calls for the police report to be placed in the CONGRESSIONAL RECORD.

The SPEAKER. The resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. DELAY moves that the resolution be laid on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Texas (Mr. DELAY).

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 19, as follows:

[Roll No. 410]

YEAS—223

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

NAYS—193

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

Tanner	Udall (CO)	Waxman
Tauscher	Udall (NM)	Weiner
Taylor (MS)	Van Hollen	Wexler
Thompson (CA)	Velazquez	Woolsey
Thompson (MS)	Visclosky	Wu
Tierney	Waters	Wynn
Towns	Watson	
Turner (TX)	Watt	

NOT VOTING—19

Berkley	Davis, Jo Ann	Moore
Bishop (GA)	Fattah	Owens
Boucher	Ferguson	Sherwood
Clay	Ford	Souder
Cole	Frank (MA)	Young (AK)
Conyers	Gephardt	
Davis (TN)	Jefferson	

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1050

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

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 410, had I been present, I would have voted ''nay''.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 22, 2003, the bill had been read through page 103, line 26, and pending was the amendment by the gentleman from Michigan (Mr. LEVIN).

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Arizona (Mr. KOLBE) each have 1 minute remaining in the debate on the amendment. The gentleman from Arizona has the right to close.

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

Mr. LEVIN. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the very distinguished and vibrant leader of the minority.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Levin amendment and commend the gentleman from Michigan for his leadership in bringing this important amendment to the floor and his important work on behalf of America's working families.

As House Democratic leader, I proudly assert the Democratic Party's commitment to trade and what it does for our economy. That commitment to trade was exemplified in President Kennedy's 1962 State of the Union Address, which I point to with great pride. At that time President Kennedy said: ''For together we face a common challenge: to enlarge the prosperity of free men everywhere, to build in partnership a new trading community in which all free nations may gain from the productive energy of free competitive effort.''

That was his challenge and it was followed up by the Kennedy Round, the most ambitious round of trade negotiations under the aegis of GATT until that time. The Kennedy Round lasted from 1963 to 1967. Its goal was to lift up developing countries of the world, open our markets to their products to help them develop and create markets for U.S. products abroad. The gentleman from Michigan's (Mr. LEVIN) amendment is in keeping with that proud tradition. I thank the gentleman.

Last night the gentleman from Arizona (Mr. KOLBE), the distinguished representative of the majority party on this debate and chairman of the Foreign Operations, Export Financing and Related Programs Subcommittee said ''I want to commend the gentleman from Michigan for the crafting of this particular amendment. With it I think he has shown a great deal of legislative brilliance and some policy ingenuity as well.'' Then the gentleman from Arizona (Mr. KOLBE) went on to oppose the amendment by saying ''But I have to say the net result is quite mischievous.''

I beg to differ, and I leave it up to my colleagues and am asking them to support the gentleman from Michigan's (Mr. LEVIN) amendment. Is it mischievous to ask the Trade Representative in negotiating for a Free Trade Area of the Americas with the Central America Freed Trade Amendment to protect against piracy of copyright? Is it mischievous to say that we should not support a treaty that does not open markets for United States agricultural products, high technology, and other manufactured exports that provide greater rights? Is it mischievous to tell him not to support a trade agreement that provides greater rights for foreign investors than Americans in the United States? And is it mischievous to ask that Trade Representative not to acquire adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor, and discrimination and to guarantee the right to associate and bargain collectively?

A vote for the Levin amendment is a vote for America's workers who see our manufacturing and technological base fading away. American workers are the most productive workers in the world. Let us let them compete. The gentleman from Michigan's (Mr. LEVIN) amendment does just that. I urge my colleagues to support the Levin amendment.

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

Just to set the order of how we are doing this, last night we had the debate for the most part on the substance of this, and so at the conclusion of my remarks I will make a point of order that I reserved last night that this amendment is not in order.

□ 1100

I did say, indeed, Mr. Chairman, that the gentleman from Michigan was ingenious in the device of this amendment. He was very clever.

It does not mean I think it is right in policy. Indeed, I think it is very wrong policy, because what it does is say that no funds shall be expended by the U.S. Trade Representative unless the negotiations do exactly the following things. In other words, the USTR is in a straitjacket from the very beginning of negotiations.

The very essence of a negotiation on trade agreement is we give something here, the other side gives something there. But to demand they have exact parity from the very beginning absolutely destroys the essence of a negotiation. That is the substance of what we are talking about here.

It would be very bad policy. It would essentially mean that we could not have a Central American Free Trade Agreement or a Free Trade Agreement of the Americas. We would essentially be saying to the Ecuadorans and the Salvadorans and the Costa Ricans that we will never allow them to trade with us, that we do not care that they are in poverty, we do not want to give them the opportunity to trade with the United States, to have access to our markets. It would be bad policy.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make the point of order that I reserved last evening.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, the substance of the remarks that I just made go right to the point of order.

I do make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, ''An amendment to a general appropriation bill shall not be in order if changing existing law the amendment imposes additional duties.''

As I will explain in my appeal, this clearly imposes additional duties, and I would ask for a ruling from the Chair.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

Mr. LEVIN. Mr. Chairman, I spoke last night, and I will be very, very

brief. I disagree with the gentleman's analysis of what is appropriate here under the rules.

I also want to mention, last night when we discussed the provision that says there shall be no funds made available for negotiating a CAFTA or an FTAA that does not require adoption and enforcement of the basic prohibitions on exploitive child labor, forced labor and discrimination and guarantee of the right to associate and bargain collectively, that the important matter was a job, and not what was in that job, what payment there was for the job or under what conditions the job was carried on.

I think that is terribly wrong. If people are going to have a chance to climb up the ladder, they have to have a chance to be able to associate and to bargain collectively. We should not base a trade agreement on the suppression of the workers of Central America or of any other place in the Americas.

So, I urge that the Chair rule this in order, and we are now prepared to hear the ruling of the Chair.

Mr. KOLBE. Mr. Chairman, before the Chair rules, I would just like to respond to what the gentleman from Michigan said.

The Levin amendment would forbid expenditure of funds that would be used to negotiate free trade agreements that do not contain certain listed provisions. The listed provisions impose duties that are not now required by law and they make the appropriations contingent upon the performance of the new duty and on successful trade negotiations with other countries.

For example, in the area of labor law, the Levin amendment seeks provisions in a trade agreement that would mandate, mandate, adoption in domestic law and enforcement of the basic recognized rights of workers. This sharply contrasts with the Trade Act, which only goes so far as to seek to promote respect for workers' rights, to promote universal ratification and full compliance with the ILO Convention 182.

The differences between the approach of the gentleman from Michigan (Mr. LEVIN) and the current law are manifold. The Trade Act does not call for adoption and enforcement of the labor rights listed in the Jordan Free Trade Agreement. Indeed, the Trade Act seems to uphold the right of other countries to establish domestic labor standards.

Similarly, in investment, Mr. Chairman, the Levin amendment seeks provisions in a trade agreement that would ensure the free trade agreement does not provide for an investor's greater rights than Americans. This also contrasts sharply with the Trade Act, which carefully states that foreign investors are not to be afforded greater substantive rights. The Levin amendment would deny foreign investors greater procedural rights as well as substantive rights, and certainly this would be a duty not present in the U.S. law.

So for that reason, and for others that I could go on, I would urge the Chair to make a ruling that this amendment is not in order.

Mr. LEVIN. Mr. Chairman, I want to respond very briefly. In those respects, the gentleman from Arizona (Mr. KOLBE) is very wrong. This does not change existing law. Our USTR representative is not prohibited by the present Trade Promotion Act, is not prohibited from carrying out the provisions that are spelled out here that there shall be no greater rights for foreign investors than Americans in the U.S. There is nothing in TPA that prohibits his doing just that; and there is nothing in the present TPA, which I opposed, but there is nothing, and we had an alternative, that prohibits the USTR from requiring adoption and enforcement of the basic prohibitions on exploitative child labor, forced labor and discrimination, and the guarantee of the right to associate and bargain collectively.

We are saying in this amendment that that is exactly what the USTR should be doing, and I ask the Chair to rule in our favor.

The CHAIRMAN. Do other Members wish to be heard?

If not, the Chair is prepared to rule.

The gentleman from Arizona makes a point of order that the amendment offered by the gentleman from Michigan is not in order under clause 2 of rule XXI. The amendment would limit funds for negotiating two specific specified trade agreements that fail to achieve specified goals. However, the amendment does not define those goals nor tie them to provisions in existing laws.

Therefore, the amendment imposes new duties on the Trade Representative to determine whether the proposed agreements protect against piracy of copyrights, open markets for United States agriculture products, et cetera, before applying the limitation. As such, the amendment imposes new duties not required by existing law in violation of clause 2, rule XXI.

The Chair sustains the point of order.

Mr. LEVIN. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the appeal of the decision of the Chair may be followed by 5-minute votes on the four amendments debated last night on which requests for recorded votes were postponed.

The vote was taken by electronic device, and there were—ayes 231, noes 198, not voting 5, as follows:

[Roll No. 411]

AYES—231

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

NOES—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell

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

NOT VOTING—5

Berkley
Bishop (UT)
Ferguson
Ford
Gephardt

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1127

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1582

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1582.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 329 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 329

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 3. During consideration of H.R. 2738 or H.R. 2739 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very able colleague on the Committee on Rules, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, at this moment, we begin debate on the first two measures that will propel our Nation's economy into the 21st century and secure America's economic future. The free trade agreements with Chile and Singapore that we will be debating today are important in and of themselves. But more important, they are the first steps in completing a global economic and trade agenda that seeks to grow our economy by opening up markets overseas and establishing the United States as the leader in the international trade arena.

□ 1130

When Trade Promotion Authority lapsed back in 1994, the executive branch's ability to negotiate meaningful trade agreements was severely impaired. Our efforts to position the United States as the global leader in international trade were stalled. As recently as last year, there were nearly 150 regional free trade and customs agreements put into place worldwide and the United States, the greatest economic power on the face of the Earth, was party to only three of those agreements.

Mr. Speaker, we were losing market share, we were losing tariff battles, and most important, we were losing opportunities for U.S. workers and U.S. producers, opportunity to grow our economy, opportunity to increase the incomes of millions of American families and the opportunity to lead once again in the global marketplace. All of this was being lost as we went through that nearly decade long period, Mr. Speaker, when we did not have that authority in place for the executive branch.

So it was to my great satisfaction last year that we were able to enact into law a renewal of that Trade Promotion Authority. I am also pleased that the Bush administration has responded to Congressional reauthorization of the Trade Promotion Authority with great enthusiasm.

Our terrific Ambassador, U.S. Trade Representative Bob Zoellick, in particular, has been the driving force behind an ambitious and far-reaching trade agenda that will open up markets and raise standards of living both here and abroad, throughout the world. It is very clear that trade is a win-win. We will see benefits on both sides.

So, Mr. Speaker, as I mentioned earlier, the free trade agreements that we consider here today are of great importance. But I am gratified to see that many more trade agreements are on the horizon. Once we get beyond the Singapore and Chile agreements we will have a wide range of other great opportunities for U.S. workers and U.S. producers. We will soon see those benefits come to us and we will see the multilateral agreements as we proceed with Central America, South America, Africa, the Middle East and Australia.

Now, Mr. Speaker, I recognize that many in this body are opposed to some or possibly all of the free trade agreements that I have just mentioned. And I recognize, Mr. Speaker, that Congressional renewal of Trade Promotion Authority last year was very contentious

and as we all know passed by the narrowest of margins on three occasions. But I sincerely hope that today we will demonstrate our bipartisan commitment to improving the economic standing of all American workers and families by strongly supporting the two implementing measures before us.

In fact, we have just a few minutes ago had the minority leader stand in the well and talk about that commitment that the minority party has to the trade agenda, and so there will be a wonderful opportunity here to demonstrate that. The agreement, Mr. Speaker, with Singapore and Chile are perfect examples of what the benefits of free trades can and will deliver to the American people.

Now, we all recognize that Singapore has been a critical ally in Southeast Asia in the war against terrorism. It has been more welcoming to our efforts to clamp down on regional instability and global terrorism than perhaps any other Southeast Asia nation. Singapore is also an extremely important economic ally of the United States. For example, Mr. Speaker, Singapore was the 12th largest trading partner with the United States last year in terms of total trade. Now, that is not bad for a country that has a population that is about the size of a county that I represent.

Mr. Speaker, the Singapore agreement lowers barriers to trade in high technology products and services and establishes unprecedented intellectual properties protections. Intellectual properties protections are of paramount importance and very much need to be recognized.

Mr. Speaker, this agreement pays particular attention to protecting copyrights, patents and trademarks for emerging technologies and digital products, sectors where American innovation has been, continues to be, and I believe will in the future be the global leader.

Now, Mr. Speaker, there can be no doubt that by lowering and eliminating tariffs that Singapore places on American exports that we will increase job opportunities right here at home. Let me underscore that again.

Mr. Speaker, I know there is so much talk about the union influence and the union opposition about what it is we are trying to do here, but Mr. Speaker, it stands to reason that if you are opening up new markets in other parts of the world, as will be the case in Singapore and so many of these service oriented areas, telecommunications for example, there will be more union jobs created right here in the United States as these markets open.

Mr. Speaker, like the Singapore agreement, the Free Trade Agreement with Chile will increase trading opportunities abroad. Under the agreement negotiated by Ambassador Zoellick, Chile will immediately remove its 6 percent tariff that exists on more than 85 percent of American exports.

I have to scratch my head once again, Mr. Speaker, and wonder why it is again that anyone would believe that this agreement would not create an opportunity for U.S. workers, union, nonunion members, workers all the way across the board if they are going to immediately reduce their 6 percent tariff that exists on 85 percent of the products that come from U.S. workers into Chile's market.

Mr. Speaker, the remaining tariffs will phase out over the next 12 years. Conversely, most of Chile's exports to the United States are already duty free. So the fact is the world has access to the U.S. consumer markets. Chile can already get their products here. Doing anything other than supporting this measure will not help U.S. workers. The only benefit to U.S. workers will come from our breaking down those barriers that exist there. Recognizing Chile's relatively small trading relationship with the United States, some might question the need for a Free Trade Agreement at this time. In other words, people will say, why bother?

Now, Mr. Speaker, it is well worth the bother. In 1997, California exported about $490 million worth of goods to Chile. By 2001, the number had decreased by $140 million largely due to Chile's implementation of trade agreements with Brazil, Argentina, Mexico and Canada, getting into the MERCOSUR and other trading blocs. So the fact that other nations are embarking on these agreements, breaking down tariff barriers have unfortunately diminished the flow of U.S. goods into Chile. So it stands to reason now that we need to do everything we can to make sure we are part of that tariff tax reduction effort because a tariff is a tax, and we know that by cutting it we will be able to improve the opportunities for that flow of goods and services.

Mr. Speaker, as we work to get our economy back on track and we all, Democrats and Republicans alike, are committed to enhancing our economy, to improving the plight of workers in this country and creating more and more opportunities, as we work to do that, clearly establishing trade rules within the Americas and the Doha negotiations, it is important that the United States of America be the leader and not the follower. Strong votes, strong bipartisan votes in favor of the Chile and Singapore agreements will mark the first steps in ensuring that the United States reaps the benefit of free trade.

It is time for the United States to unleash our enterprising spirit and allow American entrepreneurs access to some of the fastest growing markets in the world.

Mr. Speaker, I urge strong bipartisan support for this rule and the underlying measures in order to demonstrate the commitment of this body to long-term, bold and dynamic economic growth, the development of strong economies, good governments and the rule of law abroad, which will only help in dealing with the many challenges that we face for peace and stability throughout the world.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course, let me thank my very good friend, the distinguished and able chairman of the House Committee on Rules, the gentleman from California (Mr. DREIER) for yielding me time.

As the chairman well knows, he and I both share a passion for the types of issues which will be debated today, and while we do not always end up at the same place at the end of the day, I deeply appreciate his commitment to these issues.

Mr. Speaker, as the chairman has already pointed out, this rule would allow for consideration of both the U.S.-Chile and U.S.-Singapore Free Trade Agreements. What the chairman did not point out, however, was that this rule in a very real sense is unnecessary. The Trade Promotion Authority bill, or Fast Track, that was passed last year by Congress very strictly limits the way trade bills can come to the House floor. By law the agreements cannot be amended. They must be debated and moved expeditiously and in numerous other ways restrict the normal rights that Members of this Chamber are normally able to exercise.

Despite the restrictions imposed by Fast Track, the majority has decided to impose even more restrictive debate on these important bills today. In fact, few previous trade agreements have been given as little time to be debated as the House will have for these two measures today.

Let me repeat for the House what I said to the gentleman from California (Chairman DREIER) last night. We should not be setting a precedent for future trade deals by limiting debate to a couple of hours. In the future there will be other trade agreements that will come to this floor with more acrimony than today's do. These should, indeed must be considered for more than a cursory amount of time.

□ 1145

While I do not oppose today's rule, I will in the future if the majority again attempts to limit debate, more so than that which is required by law.

Substantively, as a member of the Congressional Oversight Group on Trade, I want to commend Trade Representative Robert Zoellick and his staff for the yeoman's work they have put forward over the past 2-plus years putting these agreements together. I have an acute appreciation for the very delicate negotiations that are needed to achieve the success that has brought us to this point. So, again, I congratulate Ambassador Zoellick and his staff.

Let me also say that as we move forward with our new Congressional Oversight Group on Trade, I would like Ambassador Zoellick to continue to keep

the Members engaged and involved in the process as much as possible.

Specifically, it would be helpful if the ambassador and his staff would provide to the oversight group negotiating text several weeks before they are brought to the House of Representatives for tabling. Any less does not provide Members of Congress and our staff the appropriate amount of time to thoroughly review the agreements and offer our substantive insight.

Additionally, when members of the Congressional Oversight Group on Trade do offer constructive proposals, if the Trade Representative ultimately rebuffs those suggestions, it would be helpful to know for what reasons congressional insight was rejected; and I might add, counter to that I raised with Ambassador Zoellick, the fact that in Singapore and in the trade agreement that there was a defense component; and I think the government of Singapore is to be complimented by all of us for the extraordinary undertakings that they put forward on behalf of our United States military who make a substantial number of ports of call in Singapore. So I saw and pointed out to the ambassador the defense component; and I might add, I think that it was taken to heart by the ambassador and his staff in their negotiations.

Finally, text of proposed trade agreements must be made public as soon as the notice of intent to sign is made, if not sooner. Failing that, it is difficult, if not impossible, for the American people to have meaningful input.

Again, though, Mr. Speaker, I do not intend to be nitpicky. These agreements were reached in an admirable fashion by the Trade Representative and those working with him; and I salute him for that, as well as his interlocutors, in what were 2 years of difficult and dynamic negotiations that will affect globally the trade and will affect the United States in substantial ways.

I look forward to the spirited debate which I am certain will follow.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply thank my colleague for his very thoughtful statement and his willingness to be supportive of this effort here. This sort of buttresses a couple of arguments I was making earlier on this union issue, and I say it specifically with the gentleman in the Chair, Mr. Speaker, because I know this is an issue that was of concern to the Chair.

One of the arguments that has been made has to do with the issue of exporting automobiles, automobiles manufactured right here in the United States of America. Under this agreement with Chile, we actually see Chile agree to an elimination of the luxury auto tax; and by eliminating that tax under this agreement in Chile, it will enhance the chance for us to see the exportation of more U.S.-manufactured automobiles into Chile's market which admittedly is a small one but is growing.

Also, there are agreements to reduce foreign duties for trucks, computers, electrical equipment, paper and construction equipment as well; and so I think that this clearly is again a great opportunity for U.S. workers.

There have been several great champions of trade on our side of the aisle and on the other side of the aisle. One of them is the great chairman of the Subcommittee on Technology and the House, my very good friend from Atlanta, the gentleman from Georgia (Mr. LINDER).

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank my friend and colleague, the chairman of the Committee on Rules, for yielding me this time. I rise in strong support of H. Res. 329, a rule that will enable the House to consider two historic free trade agreements. I urge all of my colleagues in the House to join me in supporting this rule.

Approval of this rule will allow the House to proceed to consider H.R. 2738, a U.S. free trade agreement with Chile; and H.R. 2739, a U.S. free trade agreement with Singapore.

I consider it an honor to have worked with the gentleman from California (Mr. DREIER), the Committee on Rules chairman, and our House leadership in generating the needed support for these important trade agreements; and I am pleased that they are being considered on the House floor today.

One of the main reasons that the United States of America is a shining beacon on the hill for so many others is our open markets. These open markets help bring wider choices and lower prices for businesses and consumers at home and help to promote better relationships for the U.S. abroad. Trade also helps to build strong economies and assists in fighting poverty and hunger all around the world.

As we continue in the fight against global terrorism, trade can and should be used as a tool to help spread democracy, American values, and stability.

As Governor Ronald Reagan recognized in a 1974 speech: ''Constructive trade, the two-way exchange of goods and services, is the most efficient and logical way for each nation and each area of the world to build a stable prosperity, a prosperity based not on aid, but on mutually beneficial economic contacts.'' I believe that free trade is beneficial to both the United States and our trading partners and is a principal component of proliferating the principles of freedom and democracy worldwide.

Trade is also particularly good for America's small businesses. Small business is the backbone of our Nation's economy, creating three out of every four new jobs and generating roughly half of the U.S. private gross domestic product; 97 percent of America's exporters are small businesses. To stay at the forefront of innovation, U.S. small businesses need access to foreign markets.

The U.S.-Chile Free Trade Agreement will not only bring new market access for U.S. consumers and industrial products, but also new opportunities for our farmers and ranchers. More than 85 percent of trade in the areas of agriculture, construction, automobiles, technology, medical equipment, and paper products will be tariff-free immediately, with most of the remaining tariffs being phased out over 4 years.

Georgia, the State that I am proud to represent, has benefited significantly from trade with Chile. In fact, in 2001, Georgia had the 15th most exports to Chile in the entire United States. These exports have and will continue to provide high-paying jobs to the citizens of Georgia.

The U.S.-Singapore Free Trade Agreement, America's first trade agreement in Asia, is critical because it will give U.S. professionals new access into the fields of financial services, telecommunications, advertising and engineering, to name just a few. We must act now and approve these free trade agreements to give U.S. exporters the chance to compete on a level playing field with foreign exporters.

I believe that America must continue to strive toward expanded free trade and not retreat into the mistaken protectionism of the past. We must work to open markets, eliminate tariffs and barriers, and ensure that our Nation remains at the forefront of global economic success. The freedom to trade is a basic human liberty, and its exercise across political borders unites people in peaceful cooperation and mutual prosperity.

In his last speech as the last British Governor of Hong Kong, Chris Patten spoke about trade; and he said this: If a planetary spaceship had come to the planet Earth in the 16th century from the muddy flats of teepee-strewn North America to the typhoid-driven Longmen, to the warring planes in Paris and landed in the Ming dynasty, they would have concluded in a millisecond that China would rule the world for centuries. She had recently discovered gun powder, the printing press. She had a moderate sea and a growing and rich culture, and then she built a wall around herself and history told a different tale.

Mr. Speaker, I urge my colleagues to support the rule. We need to proceed to debate and immediately adopt both of the underlying measures.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from Ohio (Mr. BROWN), my good friend.

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

Where I come from in Ohio, trade is a four-letter word, J-O-B-S. Unfortunately, the President, the United States Trade Representative, and the

Republican leadership do not spell very well. They ought to simply look around.

Since President Bush has taken office, we have lost 3 million jobs in this country. We have lost 2.1 million manufacturing jobs in this country.

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

Mr. BROWN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I would simply say one of the reasons we have not been able to have these job opportunities is the lack of this authority that has been put into place. We now for the first time are going to have markets opening up so that the four-letter word in Ohio that is so important, J-O-B-S, will, in fact, be enhanced; and I thank my friend for yielding.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from California for his comments.

I think that any reasonable people, if we would simply go home and talk to workers, talk to people, they will say that the anxiety they feel so often is because of our trade policy. These 3 million jobs we have lost, these 2.1 million manufacturing jobs are because of an economic program of tax cuts where a millionaire gets a tax cut of $93,000 and children and their families get nothing and families making 15 and 20 and $25,000 a year, a Bush economic program that cuts benefits for health care, cuts benefits for education, cuts benefits for veterans, and these trade agreements, trade agreement after trade agreement after trade agreement, have cost American jobs.

I look around. Last Sunday, there was a rally at a Goodyear plant in Akron, Ohio, in my district. Goodyear has only 14 factories in the United States left, one of the biggest rubber companies in the world. Most of their plants now are overseas. We had rallies at each of these 14 plants simultaneously, and I walked around before speaking at this rally, and these workers get it.

They understand the reason their jobs have gone overseas and those tires are made overseas and sold back into the United States. They understand that the failure of our economic policy lies at the feet of the failure of our trade policy. They understand that NAFTA took a surplus with Mexico and Canada in 1993 and has turned it into a $25 billion trade deficit. They understand that our China policy, with a $100 million trade surplus only a dozen years ago, $100 million with an ''M,'' now is a $100 billion trade deficit with that country.

President Bush, Sr., used to say that $1 billion of trade turned into 18,000 jobs. If we have a $1 billion trade surplus, we have a net gain of 18,000 jobs. If we have a trade deficit of $1 billion, we have a net loss of 18,000 jobs. Our China policy alone has turned basically a neutral job situation into 1.8 million jobs lost every year just because of our bilateral trade situation with China, 1.8 million jobs every year; and most of those jobs are good paying manufacturing jobs.

Mexico has about 400, 500,000 jobs every year, Mexico-Canada trade deficit. Goodyear workers understand that. Steelworkers in Ohio and across the country understand that. Auto workers understand that. People who work with their hands understand that these trade agreements hemorrhage jobs.

Two years ago, even Congress understood it when we passed the Jordan trade agreement. The Jordan trade agreement lifted people up, did not pull standards down. It lifted labor standards up. It lifted environmental standards up. It lifted food safety standards up, but Congress seems to have forgotten that lesson of Jordan. Hence, today, we consider Chile and we consider Singapore.

These are two agreements that do not lift standards up. They pull standards down. They will cost American jobs. They will weaken American labor standards. They will weaken America in world and environmental standards.

Let me just briefly, Mr. Speaker, take two issues to show that with Chile, people say Chile has decent labor standards. They do today, but under this agreement, unlike the Jordan agreement, where the Jordan agreement said labor standards are determined by ILO, International Labor Organization, standards, with Chile, Chile under this agreement gets to enforce its own labor standards. They may be pretty good labor standards today; but if we get a majority in the Chilean government like the majority in this country, we will have effective pressure to weaken labor law, as my friends on the other side of the aisle do here.

□ 1200

So Chile will see a weakening of labor and environmental law, and then we will see a weakening of labor and environmental standards under this trade agreement. If Chile had ILO labor standards, that would not be the case.

The second issue is, under Jordan, we got rid of the Chapter 11 investor state provisions, which, unfortunately, under NAFTA, allows corporations to sue foreign governments, shifting sovereignty from a democratically-elected government to corporate interests where a corporation can sue a government for passing a public health law or a food safety or an environmental law, weakening those laws that governments democratically attain.

We should reject Chile and Singapore. We should go back to the Jordan model. We should reject Chile today, we should reject the Singapore agreement today, and we should go back to the Jordan model. The Jordan model lifts standards. It lifts people up rather than pulling people down. It is good for the environment, it is good for labor, it is good for food safety, and it is good for American values.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I have the highest regard for my friend from Ohio, but I want to make a couple of brief comments about the statements he made.

First, at the outset, he talked about this being a Republican leadership effort. Yes, Republicans have provided leadership, but I think it will be very clear that strong bipartisan support, Democrats and Republicans alike, will be embracing both the Chile and the Singapore Free Trade Agreements, realizing what opportunities they will create.

At the close of the gentleman's remarks he talked about lifting standards, and I completely concur with that. I believe very passionately that the best way, the most effective way to lift standards, and I appreciate his acknowledging that those labor standards are already high in Chile, the best way to do that is for us to enhance the economic standing of those people who are seeking the opportunity to get onto the first rung of the economic ladder.

So I just wanted to say that I disagree with some of the conclusions that my friend might have drawn, but I think we do share the exact same goal.

Mr. Speaker, I yield 4 minutes to the gentleman from Tucson, Arizona (Mr. KOLBE), my very able colleague who in 1987 asked me to join him as an original cosponsor of the legislation to obliterate tariffs among Canada, the United States, and Mexico so we could have a Free Trade Agreement. We have seen, with the NAFTA, a tripling of trade from 1993 to today, and he has been a great leader on trade issues and I enjoy working with him.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind comments, but I would have to say there has been no person in this House who has been a better advocate, a stronger advocate, a more forceful and articulate advocate of trade and the advantages it brings to American workers and American consumers than the person who just spoke, my friend, the gentleman from California (Mr. DREIER).

Mr. Speaker, I do rise in support of this rule, and I rise in strong support of the underlying trade agreements with Chile and Singapore. I was delighted to see my friend, the gentleman from Florida (Mr. HASTINGS) saying he supports the rule as well. He spoke about some of the concerns he has. These concerns are ones of process, concern that there is not the ability to amend these bills on the floor.

Well, Mr. Speaker, that was, of course, the debate that we had on Trade Promotion Authority, what we used to call Fast Track. That is not the issue here today. The issue here today is the substance of these two agreements, and the substance of these two agreements is indeed very good.

This a momentous occasion in our trade policy. Passage of these two

trade agreements is the first time in a decade we have been able to use what we used to call Fast Track, now called Trade Promotion Authority, to get agreements. It will once again mean that the United States is aggressively pursuing its national interest, breaking down trade barriers and building a world of free trade. I commend the leadership of the administration and the Congress, both sides of the Capitol and both sides of the aisle, for bringing us to this point.

I have a special reason for feeling very emotional about the Chile Free Trade Agreement. Eight years ago, in 1995, just shortly after NAFTA went into effect, the Speaker of the House asked me to go to Chile and talk to them about trade. I went there and I said I had a good deal of confidence that then President Clinton would seek Trade Promotion Authority, Fast Track Authority, and Congress would give it to him. Of course we know that that did not happen. And it was not until just last year that Trade Promotion Authority was granted the President. Now we are finally back on track.

There has been so many dashed hopes in Chile, so much anticipation of what this could mean for them, and finally we are bringing it to fruition. Since the launching of these negotiations it has been a period of great unease in Chile, of anticipation as we struggled to secure TPA. All of Latin America has been watching the progression of Trade Promotion Authority, and now this agreement with Chile. For them it is the litmus test to verify that the U.S. would not renege on its commitment to the Western Hemisphere, and today Congress fulfills that commitment by moving forward.

If we are to nurture fragile democracies in the region, if we are to foster development, development that actually leads to sustained better economic conditions for people in the region, as well as for Americans and consumers and workers in this country, we have to lead by example. We have to lead by bringing free trade to the region. Chile is that first step. It is an agreement that is in our economic, our foreign policy, our national security interest.

More than 85 percent of bilateral trade in consumer and industrial products will immediately become duty free upon ratification, with most remaining tariffs eliminated within 4 years. Chile is offering new access for U.S. financial service companies, telecommunications, express delivery services, and professional service advisers.

For Singapore, this is the first free trade agreement with an East Asian country. Singapore has expressed its early and unequivocal support for the United States and its war on terrorism following the events of September 11. Their support has been unwavering since that time.

And when it comes to business and commercial interests, Singapore is the biggest customer we have in Southeast Asia. We now have investments in that city state that total $23 billion, and our exports to Singapore are $18 billion. So there is no doubt that the Singapore Free Trade Agreement is in the broad U.S. national interest. It will enhance our mutual interest in a stable, prosperous ASEAN and East Asia.

I believe these agreements will stand as models for other bilateral trade agreements and their regions and in multilateral forms. I urge my colleagues to support this rule and the passage of legislation implementing these important agreements.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding me this time. I stand today to speak for the heartland of America. My Congressional district runs for about 300 miles along the edge of the Ohio River, bordering Pennsylvania, West Virginia and Kentucky. In one of my counties the unemployment rate is 11.4 percent, and in the City of Youngstown, Ohio, the unemployment rate is 18.2 percent.

Now, I have heard some of my colleagues express concern for those who live in Chile, and I am not insensitive to the needs of the folks in Chile, but I think our first obligation is to look after the folks right here in the good old USA.

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

Mr. STRICKLAND. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I totally agree, I totally agree with the statement my friend has just made. I believe our number one priority should be U.S. workers, U.S. producers, U.S. manufacturers. That should be our top priority, recognizing the benefits of opening up new markets for them.

Our goal here, as I mentioned earlier, is with the elimination of the luxury tax in Chile we will be able to export more U.S. manufactured automobiles into the Chile market and that is why this will be a win-win.

Mr. STRICKLAND. Reclaiming my time, Mr. Speaker, let us look at the record. We heard that same rhetoric about NAFTA. Does anyone seriously believe that NAFTA has been good for this country? The people that I represent, who are without work, do not believe that NAFTA has been good for this country.

What about the WTO, this body that tries to dictate policy for those of us who serve in this body? We have been elected by Americans to represent Americans, and in these trade deals, sadly, it seems to me that we are taking the authority that is invested in us through the Constitution and the responsibilities that we have as elected representatives and we are giving that responsibility to an external international organization.

Mr. DREIER. Mr. Speaker, will the gentleman once again yield?

Mr. STRICKLAND. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me to respond quickly to one point he made.

The gentleman said how can anyone talk about the benefits of the North American Free Trade Agreement, and I would say to my friend that in 1993 trade between Mexico and the United States was roughly $83 billion. Last year, trade between Mexico and the United States was $232 billion.

Mr. STRICKLAND. Reclaiming my time, please, Mr. Speaker, I will acknowledge that the gentleman's statistics are correct, but what has happened with trade between this country and Mexico? The imbalance has increased dramatically in their favor. I recognize that these trade agreements encourage trade, but what is it doing to our companies, our workers, our communities? Other countries are in fact benefiting, and I will acknowledge that, but what is happening to our communities?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield on that point, I think we have to realize that imports are very good and important for the United States of America. We have the standard of living that we do today because the world does have access to our consumer market.

Mr. STRICKLAND. Reclaiming my time once again, Mr. Speaker, I sat in the living room of one of my constituents not long ago and he looked at the television and he said, ''Congressman, I would be willing to pay $50 more or $100 more for a TV if I could buy one that was manufactured in America by my neighbors.'' That is what is happening to us.

Are consumers getting cheaper goods? Well, I suppose they are. At what cost? What is happening to this country, and I just urge my colleagues to look at the record and to reject these agreements. And I thank my colleague for the dialogue.

Mr. HASTINGS of Florida. May I inquire of the Speaker the time remaining on both sides?

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from Florida (Mr. HASTINGS) has 16½ minutes remaining and the gentleman from California (Mr. DREIER) had 8½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, only to add to the debate that the distinguished chairman was having with the gentleman from Ohio (Mr. STRICKLAND).

There are other things that happened. I voted for NAFTA, Mr. Chairman, and I thought when I did that it would help in many ways. I pointed out to the gentleman last night, and I guess we could cite a lot of things, but the tomato industry in Florida was destroyed ultimately by NAFTA, accounting for the fact that there was a freeze that took place roughly around

the same time. But the dumping is what was the death knell.

In addition, I genuinely thought in the maquilladoras that there was going to be environmental improvement. I have been down there, and there has not been substantial environmental improvement. And I have talked with a significant number of people from Mexico regarding wages, and I do find that there are still problems with reference to their hourly rate.

But I will make the point that the one good thing NAFTA did was get rid of one-party rule in Mexico. But one-party rule or two-party rule does not account for the fact that the workers are not improving.

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

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me, and I appreciate his engaging me on this issue.

We did have a nice discussion upstairs in the Committee on Rules last night on this issue, and I was proud to underscore the fact that bringing about economic liberalizations through greater trade did in fact lead to political liberalization and to one-party rule.

My friend has raised the issue of tomatoes, and I appreciate his acknowledging the freeze and the impact that that had on the tomato industry in Florida. One of the challenges I have found, Mr. Speaker, is that there are many people who like to blame every single ailment of society on the North American Free Trade Agreement. I would argue that while I know that there have been great challenges that the tomato industry has faced in Florida, it is important for us to realize that being able to compete in the global marketplace is a priority. And I am not here in this job, and I do not believe we as policymakers should have the protection of one industry over another as a priority.

□ 1215

And so I believe that quite frankly it may not have been the mere existence of the North American Free Trade Agreement that created the challenges that have existed in that area. Many in agriculture have made this claim to us that it is NAFTA that created this, that NAFTA is responsible for that. It is clearly because of the fact that the world has had ready access to the U.S. consumer market.

Mr. HASTINGS of Florida. Most respectfully, Mr. Speaker, I would reclaim my time. I understand what the gentleman is saying, but I labored through that with agricultural interests in Florida; and I think that we could point significantly to the North American Free Trade Agreement as causative of our concern. I suggest to him that when CAFTA ultimately comes that he and I will have a very similar, but even more vigorous, debate.

Mr. DREIER. Absolutely. I look forward to that. And we want to work very closely on that.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. GEORGE MILLER), a leader in this arena as well as of our caucus.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, the most troubling part of this debate for me is that with the trade agreements that we have signed, and no one discounts the importance of trade to this country and to the world economy, that we continue to see that Americans subsidize this trade policy with the loss of their good-wage jobs.

We are told time and again, as we were just recently this week, in the Wall Street Journal that those jobs are not coming back. This is not a question of losing your job in recession because of a slow economic time in manufacturing and then you get called back to your workplace. You are not going to get called back because your job has left the country. We said at the beginning of this trade debate some 15 or 20 years ago that the low-paid jobs, the not-so-good jobs were the jobs that would go overseas and because of increased trade and because of our intellectual capacity and our ingenuity that Americans would get the good jobs, that the hot, heavy, dirty jobs would go overseas, the low-wage jobs would go overseas.

But now what we see is that, in fact, middle-class jobs are leaving America to go overseas and in many instances what I am certain people would consider the high-wage jobs, as we were told again in the Wall Street Journal this week, are going overseas. $60,000-a-year software-writing jobs, computer engineering jobs are being sent overseas where they can be done for $5,000 a year. It is just an economic swap. You simply have a job that you have here in California or Minnesota or Florida and you decide that this job you are paying for, as IBM did, you paid $60,000 for this job, you can have it done in India for $5,000; and that is simply an economic equation and it makes a lot of sense. It is just not very good for middle America.

These trade agreements continue to be an assault on middle America. What I do not understand is why we insist that that be the case. Because I think it is clear that we can have expanded trade, we can open up markets, we can open up markets for American products and services and talent and at the same time hold onto these jobs. What we now see is in every industry those high-wage jobs are being traded in for low-wage jobs. It is true in steel. It is true in the automobile industry. You say, well, that is old-fashioned jobs; that is an old-fashioned industry. No, what is old-fashioned about those industries is they had middle-class jobs. You could buy a house, you could buy a car, you could send your kid to school. That is what was old-fashioned about them. And even on the cutting edge of technology, in the steel industry or the automobile industry, they are being sent overseas, even from other countries. We are doing it in insurance and financial services and computer engineering and software-writing.

The point is this, that the first generation of this trade agreement was we wanted to open up Chinese markets so we could sell into the Chinese market. Now what we see is the next generation of cutting-edge technology and cutting-edge countries not just from the United States but from all over the world that are going to China for the purposes of exporting. Those are jobs that are leaving here. Those are middle-class jobs. That is the assault on middle-class jobs. As long as we do not rise up and give workers the right to organize in other countries, then it is a fiction. It is a fiction that somehow we are going to protect American jobs.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, the point that I would like to make is a very clear one. We want to focus on middle-class jobs. We want to do everything that we can to enhance opportunities for U.S. workers in the manufacturing sector of our economy. That is why this Chile agreement will be very beneficial. Why? Under this agreement, Chile's government agrees to eliminate the auto luxury tax that exists there. What does that mean? It means that there will be enhanced opportunity for U.S. auto manufacturers and those middle-class workers that does not exist today.

Mr. GEORGE MILLER of California. The question is, from what platform will those automobiles be made? The gentleman is suggesting that they are going to be made in Detroit and shipped to Chile. I am suggesting, no, it is more likely they are going to be made in Argentina or they are going to be made in Mexico or they are going to be made in Germany than they are going to be made in the United States. I appreciate that they will have access to the automobile market.

Mr. DREIER. If the gentleman will yield on that point, I will tell him, they can be made in Argentina today and get in there tariff free because of the agreement that exists between Chile and Argentina. All we are saying with this agreement is, let us create the potential so Detroit autoworkers will have a chance to get into that market.

Mr. GEORGE MILLER of California. If I could take back the balance of my time, the point is the fastest-growing

group in the United States, the fastest-growing organization is unemployed Americans looking for jobs.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the cochair of the Chile coalition working group who has led the effort to ensure that we get this agreement to the floor today and has counted votes and worked very hard on it.

Mrs. BIGGERT. I thank the gentleman for yielding me this time and those kind words.

Mr. Speaker, I rise today in strong support of the rule and of the underlying bills, H.R. 2638 and H.R. 2639, the U.S.-Chile and the U.S.-Singapore Free Trade Agreements. They are both outstanding agreements that are worthy of our support.

We have heard a great deal of talk right here on the floor today and during the week from opponents of these agreements who talk about everything but the agreements themselves. They talk about unemployed Americans. They talk about damage to the environment. They talk about waves of immigration. There is no doubt that these problems exist. But there is also no doubt that these problems are not about the issue at hand. The issue at hand is whether to approve implementing legislation for two particular agreements, the U.S.-Chile and U.S.-Singapore Free Trade Agreements, not the NAFTA, not a CAFTA, and not an FTAA. We are not voting today on models for future agreements. The Trade Promotion Authority that Congress granted the President last year provides the road map for future agreements and negotiations. And future agreements will have to come up to Congress for future votes.

What we are talking about today are the merits of these two individual agreements and the benefits they will bring to our businesses and our workers. So, Mr. Speaker, I would like to ask my colleagues in the hours remaining before we cast our votes to just take a few moments to look at the specific merits of these two agreements with the two key partners in Asia and Latin America. Mr. Speaker, you will find that they expand market access opportunities for U.S. manufacturers, farmers, and service providers. You will find that they secure extensive protection for U.S. companies' intellectual property rights and investment, and you will find that they provide strong labor and environmental protections.

I urge my colleagues to support the rule and the Chile and Singapore free trade agreements.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. DREIER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in support of the Chile and Singapore free trade agreements. The Chile Free Trade Agreement will eliminate tariffs on 85 percent of U.S. exports to Chile immediately. The Singapore Free Trade Agreement eliminates Singapore's few remaining tariffs to U.S. goods and locks in Singapore's tariff-free treatment of U.S. imports.

Under the U.S.-Chile Free Trade Agreement, American workers, consumers, businesses and farmers will enjoy preferential access to a small, but fast-growing, economy, enabling trade with no tariffs and under streamlined customs procedures. Over 75 percent of U.S. farm goods, including pork, beef, wheat, soybeans, feed grains, and potatoes will enter Chile duty free within 4 years. All other duties on U.S. agriculture products will be phased out over 12 years. U.S. farmers' access to Chilean markets will be as good or better than our competitors' in Chile. This will help reverse the gains Canada and Europe achieved in market share after implementing their free trade agreements with Chile.

In light of the previous debate going on, I fail to understand how we can contend that American workers will benefit by denying our workers the opportunity to compete, in this case in Chile and in Singapore, for the jobs which is exactly what we have been doing, because other countries have negotiated free trade agreements with Chile and with Singapore. We have denied our workers the opportunity to compete. With 96 percent of the world's consumers living outside the United States, we must continually look to expanding our markets outside the United States and, yes, working for fair trade agreements.

While U.S. tariffs will also be eliminated over time under the free trade agreement, the agreement has a provision that will help protect farmers and ranchers from sudden surges in imports of designated agricultural products from Chile. That is a key ingredient. The agricultural safeguard provision will apply to imports of certain Chilean products, including many canned fruits, frozen concentrated orange juice, tomato products and avocados. The safeguard is price-based and automatic. The prices for the commodities subject to safeguards will be programmed into the U.S. Customs Service computers, which will automatically assess the tariff uplift if the import value of the commodity falls below the trigger. I think this is an exciting component of this agreement.

Quickly on Singapore, it guarantees zero tariffs immediately on all U.S. goods, and the FTA ensures that Singapore cannot increase its duties on any U.S. product.

In conclusion, both the Chile and Singapore free trade agreements provide benefits for the United States by lowering duties on exports to Chile and locking in duty-free treatment for U.S. goods to Singapore. Both agreements also include innovative provisions on transparency and customs facilitation that will help promote full implementation of these agreements and further respect for the rule of law.

For these reasons, I urge my colleagues to support implementation of the Chile and Singapore free trade agreements.

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

Mr. STENHOLM. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would just like to say that my friend's statement is right on target. I would like to congratulate him on a couple of points that he made. First of all, realizing that 90 percent of the world's consumers are outside of U.S. borders. What that means is that as 150 countries have embarked on these free trade agreements and we have been a party to only three of them, we have been left behind the eight ball. I know my California colleague (Mr. GEORGE MILLER) was talking about workers. I see my friend from Toledo here who is about to speak. We all are focused on jobs and workers. Obviously, the agriculture sector of our economy is a critically important job creator; and I believe that, as my friend has pointed out, creating a chance to get into Chile's market along with dealing with surge safeguards so that we are not seeing a disproportionate negative impact on the United States will in fact inure to the benefit of workers here.

I thank my friend and appreciate his service as cochair along with me with the U.S.-Mexico caucus, underscoring the benefits of the North American Free Trade Agreement.

Mr. STENHOLM. In the remaining part of the minute that the gentleman yielded to me so that I could yield back to him, I would return the compliment and also commend him for continuing to emphasize jobs, workers, environmental issues, which are all going to have to be more seriously addressed in all future agreements. We both agree on that.

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

Mr. HASTINGS of Florida. Mr. Speaker, it will be interesting to see what the California wine growers think about this measure. Maybe the chairman will describe that on his time.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a new Member of Congress and a leader in this field.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to the rule and to the Chile and Singapore trade agreements. I oppose these bills because of the inadequate labor provisions embodied in both. These agreements yet again point to the fact that the Bush administration is determined to undermine not only worker protections here in the United States but also abroad as well.

Under the current language of these bills, only one workers' rights provision is enforceable through dispute settlement, the obligation that a country enforce its own labor laws no matter how weak these labor laws may be. These FTAs give each country involved the option to gut their current labor laws to gain a trade advantage and face no consequences at all.

The FTA with Jordan proved that a trade agreement could win the support of labor, but to do so it needs to contain a commitment that each country follow the guidelines set forth in the International Labor Organization's core labor standards.

□ 1230

The trade agreements before us today are a gigantic step backwards and are vehemently opposed by labor groups. Why in our current economic situation are we putting American workers at risk? Is it not enough that the unemployment rate has skyrocketed to 6.4 percent? Is it not enough that the Bush administration has presided over the loss of 3 million private sector jobs, has failed to raise the minimum wage, allowing millions of older workers to lose half of their private pension benefits, and has denied unemployment benefits to millions of workers who exhausted their Federal unemployment workers benefits? One would think so but apparently that is not the case.

My other concern is that these FTAs create new immigration policy in the context of a free trade agreement. This is a step into unchartered territory. The fact is there is no specific authority in the Trade Act of 2002 to negotiate new visa categories or impose new requirements on the current temporary entry system, but that is exactly what has been done in the negotiations of these two agreements. I urge my colleagues to vote no on both agreements.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. LINDA T. SÁNCHEZ of California. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and I welcome her to this body. I know she is a new Member here. I would say that the conclusions that have been drawn I believe are totally inaccurate.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN), a new Member of Congress and a leader in this arena.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for the time to talk about this very important issue, and I rise against the rule as well.

The issue of agricultural products came up a little earlier. The products that we are going to get into Chile are going to be subsidized products from our government and in turn preventing a lot of the African countries from being able to trade also and being able to compete on an international market.

We all understand comparative advantage and I think we all understand the concept of free trade and I do not want to say for one second that I am not for trade. I think trade is a good thing. But what I cannot understand is why we would have this Jordan agreement which would have us able to enforce environmental standards and labor standards with the same capacity as commercial standards. We are rolling back these provisions in this agreement. And as much as we want to export our products, we want to export the ideals. And regardless of what party we belong to, we agree that in the last century in this country we made great strides in human progress with the labor movement, with the environmental movement, with the raising of living standards in this country, and I think we are getting away from that.

I would like to share with the gentleman from California, and I have enormous respect for him and his staff, an article by Lou Dobbs in which, talking about free trade, he said, ''The proof is in the numbers: The U.S. account deficit, the broadest measure of transactions with other nations, swelled to $503 billion in 2002. That is not the way it was supposed to work. Increased global trade was supposed to lead to better jobs and higher standards of living by opening markets around the world for U.S. goods. Now some people, myself included, are rethinking the belief that free trade benefits all nations.''

I think it is inaccurate to say that we think that somehow these manufacturing jobs are going to move back into northeast Ohio or go back to Detroit.

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

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And the case I would make is I think that Mr. Dobbs is wrong in coming to the conclusion that he has, but that is what the debate is all about.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I think it shows a trend, though, to the gentleman from California, that there are many people who bought into the program in the early 1990s who are no longer agreeing with it.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN) and ask him to yield to me.

Mr. RYAN of Ohio. I yield to the gentleman from California.

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

I think the point that needs to be made is that with this agreement, we are focused. The gentleman talks about the rollback of the Jordan agreement. That was a separate agreement. This is an agreement that was struck between the leaders of Chile and the United States and the leaders of Singapore and the United States. The fact is we are enhancing living standards through greater trade, greater opportunities for that free flow of goods and services. And on those jobs that you talked about, the auto sector, I believe that by the elimination of the luxury tax in Chile we create a chance for his auto workers to have a chance there.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time because it is running out, there is no way we can say with a straight face that it does not pass the snicker test to think manufacturing jobs are going to come back into Ohio or anywhere in the industrial Midwest because we signed this agreement. If we are so committed to the labor standards, why are we rolling back the five principled stances of the International Labor Organization which were in the Jordan agreement? This is prohibition of slavery, nondiscrimination of employment, child labor, freedom of association. We are taking that out.

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

Mr. RYAN of Ohio. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, the main reason is that those circumstances do not exist in Chile. It is not necessary. It is not necessary to address those issues.

Mr. RYAN of Ohio. Then why not put them in?

Mr. DREIER. That is why they do not have to be there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Members will address their remarks to the Chair.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge the Chair, since the gentleman from California has more time, if he is inclined to yield time on his side.

Mr. DREIER. May I inquire of the Chair how much time we have remaining on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) has 4 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 2½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), the cochair of the Singapore effort to bring about success on the floor here, my very good friend and able colleague on the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me this time.

Also, he and the gentleman from California (Mr. THOMAS) are heading up this great effort from the Republican side to make sure that we work with the administration on this important effort for free trade agreements.

Mr. Speaker, I rise today in support of this Singapore effort because I believe it is in the best interest of America. It is in the best interest of Singapore. These are two great nations who

not only work with each other but have so much in common. This free trade agreement is going to do things which will help both countries, most specifically as it deals with intellectual property and the way we deal with each other to resolve disputes.

Singapore is going to adopt as a result of this free trade agreement laws which are the same or similar to the United States so that our companies, people who do business back and forth, have an opportunity to look at the same type of legal system in the resolution of disputes.

As was noted on June 10, Tom Lipscomb wrote in the Wall Street Journal: ''Entertainment content is now [America's] largest export, and information is the basis of more than half of gross domestic product'' of America. We need to make sure intellectual property, we need to make sure that the content that is a valuable asset of United States of America has an opportunity to have a free and open day in court wherever we sell these intellectual property possessions that the United States has.

Singapore is a good friend of America. We are going to find that as we work through free trade agreements that this will become the gold standard as we deal with other places all around the globe.

I support the free trade agreement with Singapore. I thank the gentleman from California for his expert leadership and his vision in making sure that with our President that we have friends all around the globe that enjoy the same opportunities that we do in America.

Mr. HASTINGS of Florida. Mr. Speaker, to close the debate on our side, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), whose district I had the good fortune of visiting and could see firsthand some of the pain of previous free trade agreements.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time and for the opportunity to urge my colleagues to vote no on this rule which restricts debate today to 2 hours, as has happened on every so-called free trade agreement that has come before this body in the last 20 years. Restricted time means no opportunity to really take a look at what has happened.

Many of us have served here long enough to know that the NAFTA idea of trade does not work. The gentleman from California (Mr. DREIER), my good friend, you told me when you voted for NAFTA back in 1993 it would create jobs. In fact, it has done exactly the opposite. We have historic trade deficits with Mexico, this year alone close to $50 billion.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I am sorry, I will not yield. You have only given me 2 minutes under your limited rule, as millions of people in this country lose their jobs and lose their futures. There is so much suffering we can lay to your hands as one of those who voted for NAFTA in 1993. I want you to meet the people who have lost their jobs all over this country, over 3 million people just in the last 3 years alone.

Look at NAFTA and these trade deficits. You told us in 1993 that this template for trade, which you now want to extend to Singapore and to Chile, would work, that it would give us jobs. It has been just the reverse. Our jobs have been cashed out, and Mexico has turned into an export platform to the United States, and the wages of Mexico's people have been cut by half. By half! You have hurt people in both countries due to those who voted for NAFTA. So we now have lost jobs and growing trade deficits. You told us our trade accounts would be better. We now have half a trillion dollars of trade debt in this country. One million lost jobs alone this year are related to that half a trillion in deficit and every year in the last 10 years, deeper and deeper deficit, more lost jobs. Your plan is not working. We have trade deficits, not surpluses, and we have job losses not jobs created. In my home community of Toledo, unemployment now is 10 percent. Every year it gets worse and the Fed has invented a new term, ''jobless recovery.'' What is that?

And, finally, on China after PNTR, we experienced huge trade deficits with more lost jobs. Your record is indefensible. Vote no on this Singapore and Chile expansion of the NAFTA trade template. It has not worked before, and it surely will not work now.

Mr. DREIER. Mr. Speaker, I am inclined to close the debate myself, and I hope my colleague from Toledo will stay here because I plan to close the debate and respond to some of the statements that were just made. So I have no further requests for time.

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

Mr. DREIER. Mr. Speaker, I am entitled to close the debate here, and then I will be moving the previous question. So if the gentleman will complete his statement.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Florida (Mr. HASTINGS).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 28, nays 389, not voting 17, as follows:

[Roll No. 412]

YEAS—28

Baird
Bishop (GA)
Capuano
Carson (OK)
Clyburn
Conyers
DeFazio
Doggett
Filner
Grijalva
Hastings (FL)
Johnson, E. B.
Kaptur
Kennedy (RI)
Lewis (GA)
McDermott
Payne
Rangel
Sandlin
Schakowsky
Scott (GA)
Slaughter
Solis
Strickland
Towns
Velazquez
Waters
Woolsey

NAYS—389

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Feeney
Flake
Foley
Forbes
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)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica

Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
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—17

Alexander
Berkley
Bishop (UT)
Cox
Davis (CA)
DeGette
Evans
Fattah
Ferguson
Fletcher
Ford
Gephardt
Greenwood
Pickering
Reyes
Sullivan
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1302

Mr. MURPHY, Mr. FARR, and Ms. JACKSON-LEE of Texas changed their vote from ''yea'' to ''nay.''

Mr. CAPUANO and Mr. BISHOP of Georgia changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2738, UNITED STATES-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT, AND H.R. 2739, UNITED STATES-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Florida. Mr. Speaker, would the Chair clarify for me and the gentleman from California (Mr. DREIER) the time remaining.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 30 seconds remaining, and the gentleman from California (Mr. DREIER) has 2 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

I have but 30 seconds, and I would first compliment the majority. I think that the exchange during the Committee on Rules debate on these two rules was a spirited one; and it signifies, among other things, part of the division in the House. On the floor, there were spirited exchanges between the gentleman from California (Mr. DREIER) and me; and the gentleman from California (Mr. DREIER) and the gentleman from California (Mr. GEORGE MILLER); and between the gentleman from California (Mr. DREIER) and the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Ohio (Ms. KAPTUR). I think it points out the significance of these two agreements. They are really important for all of us; and as I said, this was demonstrated in the Committee on Rules and here on the floor.

There are other trade agreements that are coming down the pike, and the chairman of the Committee on Rules and I have had discussions regarding the fact that I am hopeful that in the future we will have even more time for even more spirited debate. These are important measures, and I would urge Members to pay strict attention to them.

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

Mr. DREIER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I know that the Chamber is not packed to hear my words for the next 2 minutes, so I will simply say that I believe we have a wonderful opportunity to open up new markets for U.S. workers in both Chile and Singapore. This agreement is going to enjoy broad bipartisan support. I encourage my colleagues to vote ''yes'' for the rule and ''yes'' for the underlying legislation.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution or on any other questions that may arise during this series.

The vote was taken by electronic device, and there were—ayes 226, noes 200, not voting 8, as follows:

[Roll No. 413]

AYES—226

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

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel

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

NOT VOTING—8

Berkley
Bishop (UT)
Conyers
Ferguson
Ford
Gephardt
Shimkus
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised they have 2 minutes to vote.

□ 1325

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HASTINGS of Florida moves to reconsider the vote by which the previous question was ordered.

MOTION TO TABLE OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from California (Mr. DREIER).

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 10, as follows:

[Roll No. 414]

AYES—223

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

NOES—201

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

NOT VOTING—10

Berkley
Bishop (UT)
Dicks
Dingell
Ferguson
Ford
Gephardt
Pearce
Saxton
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded that there are 2 minutes to vote.

□ 1335

Mr. OSBORNE changed his vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 281, noes 144, not voting 9, as follows:

[Roll No. 415]

AYES—281

Aderholt
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—144

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hinchey
Hoeffel
Holden
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Akin
Berkley
Bishop (UT)
Ferguson
Ford
Gephardt
Pearce
Peterson (PA)
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes in which to cast their vote.

□ 1344

Ms. HARMAN, Mr. NEAL of Massachusetts, and Mr. MEEHAN changed their vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I offer a motion to reconsider.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HASTINGS of Florida moves to reconsider the vote by which the resolution was agreed to.

MOTION TO TABLE OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from California (Mr. DREIER).

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 197, not voting 9, as follows:

[Roll No. 416]

AYES—228

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

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)

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

NOT VOTING—9

Berkley
Bishop (UT)
Conyers
Ferguson
Ford
Gephardt
Istook
Pearce
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1353

Mr. REYES changed his vote from ''aye'' to ''no.''

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move the House do now adjourn.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 29, noes 394, answered ''present'' 1, not voting 10, as follows:

[Roll No. 417]

AYES—29

Baird
Bishop (GA)
Brown, Corrine
Capuano
Clay
Clyburn
Conyers
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Jones (OH)
Kaptur
Kennedy (RI)
McIntyre
Miller, George
Olver
Pallone
Rangel
Sanchez, Loretta
Sandlin
Schakowsky
Shimkus
Solis
Thompson (MS)
Towns
Watson
Woolsey

NOES—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—10

Berkley
Bishop (UT)
Boehner
Cantor
Ferguson
Ford
Gephardt
Lewis (KY)
Pearce
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised that they have 2 minutes to cast their vote.

□ 1410

Mr. HOEKSTRA changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMAS. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. The Chair has examined the press accounts that have been submitted, and it qualifies as a question of personal privilege under rule IX.

The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

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

Mr. Speaker, I have always considered the time spent in this institution, the people's House, as one of the highest honors a person can be provided by this country. Each of us is elected by the people to be a Member. Each of us has an equal right to be here. But what we do here, what position or responsibilities that we have, we owe to each other.

Last Friday in the Ways and Means Committee while conducting a markup of a bill as a result of decisions made by members of the committee and by me as chairman, there was a breakdown of order and decorum. To reestablish order in the committee, I requested that staff place a call to the Sergeant at Arms. That decision, in my opinion, was proper and appropriate. A second decision to instruct staff to see if the Democrats that had occupied the library would go to room 1129, which is a room reserved for the Democrats for meetings and caucuses, and to enlist the support of the Capitol Police to do so if necessary, that decision, in the words of Norm Ornstein in a column today in Roll Call, was described as ''just plain stupid.'' I agree with him.

Every Member has as much right to be here and to be heard as any other. In hindsight, calling the Sergeant at Arms for help in the committee room, I still believe, was good judgment. My instruction to use the Capitol Police, if necessary, in the library was not. I learned a very painful lesson on Friday. As Members, you deserve better judgment from me, and you will get it. Because of my poor judgment, those outside the House who want to trivialize, marginalize, and debase this institution were given an opportunity to do so. Because of my poor judgment, the stewardship of my party as the majority party in this House has been unfairly criticized.

□ 1415

Because of my poor judgment, I became the focus of examination rather than the issues. The visions that each of us have for a better America, different as though they may be but equally entitled to be heard, were not focused on.

It has been said that our strengths are our weaknesses. Or as my mother would have put it, ''When they were passing out moderation, you were hiding behind the door.'' I believe my intensity has served useful purposes, fixing problems and passing laws that otherwise may not have made it. But when one is charged and entrusted with responsibilities by you, my colleagues, as I have been, you deserve better. Moderation is required.

For the remainder of my time in this, the people's House, I want to rededicate my efforts to strengthening this institution as the embodiment of what is best about us. I need your help and I invite it.

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

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I would like to respond in a positive way, and I make a parliamentary inquiry. Would this be the proper time to ask whether my privilege of the House motion could be heard?

The SPEAKER. The Chair will continue to take that timing under advisement.

(Mr. RANGEL asked and was given permission to speak out of order.)

RESPONSE TO QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Mr. Speaker and my colleagues, I first want to thank the chairman of my committee for what had to be a very difficult task for him in coming before this august body and expressing regret for poor judgment. All of us at some time or the other have had poor judgment, and it is always difficult for us, especially as politicians, to say publicly that we made a mistake.

The reason I asked to respond is because I know that each and every one of us love this body and recognize that we are privileged, if not blessed, to have the opportunity to represent the people of the United States of America. But whether or not it is a Thomas-Rangel dispute, a Republican-Democrat dispute, the only question that we have is that we leave this place in no worse shape than we inherited it. Each Congress tries to improve the quality of civility, the partnership, the working together, the mutual respect and saying, as my chairman said, that we all want a better America, indeed a better world.

But we have diversity in this country. It is our biggest strength, and to respect the American people, we have to respect each other. It is not a question of personality. We cannot afford to be personal about it. There has to be respect. Yes, the majority has the responsibility to lead and to get their legislation through, but the minority has the right to be respected, to be heard, and to know, in a timely fashion when that legislation is coming up, to know what is in the bill, to have time and to be able to use not the rules that we make up as we go along but the rules of civility that allowed this body to exist for over 200 years. These were not Republican rules. They were not Democratic rules. They were rules to say, notwithstanding your emotion, this will guide you for a better Congress and a better America.

I hope, Mr. Speaker, that out of this, because our parents have always told us that out of the worst day of the worst situation, if you commit to it, you can find some good to come out of it. So do not look at it as being a Thomas-Rangel, Committee on Ways and Means issue. Let us look at this as being a House of Representatives issue. Let us see whether every committee and every Member can say that in this House we have got to respect each other no matter how much we differ. We should try to believe that the best of us is to do the best job for our country.

Chairman THOMAS, I thank you for coming forward and giving us the opportunity to say can we not take this House to a higher level? Can we not go back home and make the people proud of us? And whether we win or lose in terms of legislation, whether we respect each other is what I think those that we leave this Congress to would respect us for. Thank you, Mr. Chairman.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER. Pursuant to House Resolution 326 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2799.

□ 1422

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Michigan (Mr. LEVIN) had been disposed of by a point of order.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from California (Mr. OSE), the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER), amendment No. 1 offered by the gentleman from New York (Mr. HINCHEY) and the amendment offered by the gentleman from Illinois (Mr. RUSH).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. OSE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. OSE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OSE:

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 in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 10, as follows:

[Roll No. 418]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
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
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Berkley
Bishop (UT)
Davis (TN)
Ferguson
Ford
Gephardt
McGovern
Pearce
Smith (NJ)
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1441

Mr. FILNER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. DAVIS of Tennessee. Mr. Chairman, on rollcall No. 418, I was unavoidably detained. Had I been present, I would have voted ''aye.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. ____. None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 161, not voting 13, as follows:

[Roll No. 419]

AYES—260

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)

Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Owens
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Castle
Clay
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dreier
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gerlach
Gonzalez
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Price (NC)
Pryce (OH)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOT VOTING—13

Berkley
Bishop (UT)
Clyburn
Ferguson
Ford
Gephardt
Meek (FL)
Obey
Pearce
Pelosi
Radanovich
Sullivan
Tierney

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote.) Members are reminded there are 2 minutes remaining in this vote.

□ 1449

Mr. OTTER and Mr. OXLEY changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 1 Offered by Mr. HINCHEY:

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.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 273, not voting 9, as follows:

[Roll No. 420]

AYES—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Beauprez
Becerra
Bereuter
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Case
Clay
Conyers
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gilchrest
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rahall
Rangel
Rodriguez
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—273

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bell
Berry
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry

Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Bishop (UT)
Ferguson
Ford
Gephardt
Miller, George
Neugebauer
Pearce
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1456

Mr. THOMAS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RUSH

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RUSH:

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 for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 85, noes 339, not voting 10, as follows:

[Roll No. 421]

AYES—85

Abercrombie
Allen
Baldwin
Bartlett (MD)
Berman
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Conyers
Cummings
Davis (IL)
DeGette
Delahunt
Doyle
Ehlers
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Jackson (IL)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lee
Levin
Lewis (GA)
Lowey
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meeks (NY)
Michaud
Miller, George
Mollohan
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Smith (NJ)
Solis
Stark
Tierney
Towns
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Woolsey

NOES—339

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
English
Etheridge
Evans
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
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)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Berkley
Bishop (UT)
Calvert
Ferguson
Ford
Gephardt
Gingrey
King (IA)
Rogers (MI)
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1504

Mr. OBEY and Mr. ENGEL changed their votes from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, the Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004''.

Mr. REYES. Mr. Chairman, I rise in support of H.R. 2799, the bill providing appropriations for the Department of Commerce, Justice, State and the Judiciary.

As you know, Mr. Chairman, I represent a district that lies along the U.S.-Mexico border. For many years, the region along the 2,000 mile stretch of our southern border was ignored. The bill before us today, will make tremendous strides to recognize the need for increased resources along the southwest border.

This bill includes 168 additional positions for the United States Marshals Service for areas of high priority need and specifically recognizes that the southwest border is such an area.

My district of El Paso lies within the Western District of Texas. This judicial district has been one of the greatest increases of criminal caseloads over the last decade. The majority of these cases are being heard in the El Paso Division of the Western District. The number of federal criminal cases filed in El Paso County has increased from 443 to 2,192 cases since 1994. Last year, the El Paso Division received its second federal judge. Pending Senate confirmation this year, the El Paso Division will have a total of four federal judges.

Mr. Chairman, needless to say, our case backlog is being addressed and more of our cases will be heard. This increase of work for our judges, in turn, means more work for our Marshals Service. Currently, our Marshals are reporting inoperable work load levels in the southwest border districts. As you know, our Marshals are responsible for providing protection for the federal judiciary, transporting federal prisoners, protecting endangered federal

witnesses and managing assets seized from criminal enterprises. This bill would provide much needed relief for our United States Marshals Service along the southwest border communities.

This bill also provides an increase of appropriations for the State Criminal Alien Assistance Program (SCAAP) from $250 million to $400 million. SCAAP is vital to communities all across the country. This program has been dodging the President's ax for the last couple of years. The President has proposed to eliminate this program in his last two budget proposals. Mr. Chairman there is at least one jurisdiction in every state and territory that receives SCAAP funding. Last year, SCAAP appropriations were cut by over 50 percent. Although not nearly enough to fully reimburse our states and localities, the increase for this program is a step in the right direction.

El Paso County relies on SCAAP funds to assist in detaining federal criminals. Without these funds, El Paso County would be forced to tap into other over-stretched resources. These resources are generated by local revenues and are being used to provide for this otherwise federal responsibility. I support this provision in the bill before us, and I will continue to work with my colleagues to see that SCAAP is adequately funded in the future.

I would like to thank my friends and colleagues, the Chairman, Mr. WOLF, and the Ranking Member, Mr. SERRANO, for their work on this bill. I urge my colleagues to support the passage of this bill.

Mr. BLUMENAUER. Mr. Chairman, while overall funding has increased from fiscal year 2003, I hope that we can address some key issues before this bill comes back from conference for approval. One program that was particularly hard hit this year is the Public Telecommunications Facilities Program (PTFP). The funding level this year is $32.5 million—less than half of last year's appropriation of $73.3 million. As the founding Chair of the Congressional Public Broadcasting Caucus, I have seen first hand how vital the PTFP program is to communities across the country. Every public television station in America has been issued a mandate to be on the air with a digital signal. The enormous costs of the conversion from analog transmission to digital transmission, estimated at $1.7 billion, are simply too much for the system to bear alone. If we are to ensure that our local communities continue to receive the rich educational, cultural and informational programs and services offered by local public television stations, we must provide them some financial assistance. Local stations are working with state and private funders, and a federal commitment of matching funds would greatly enhance their success. In fact, much of the state funding is contingent upon a federal match, and many state budget constraints limit public broadcasting funding to well below the need.

The language in the bill regarding the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) licensing of firearms dealers is clearly destructive. This bill specifies that BATF could request transaction records from gun retailers only if the request was part of a criminal investigation to determine the disposition of a firearm that is the subject of the investigation, or to identify an individual offender who is the subject or target of the investigation. The measure prohibits the use of funds in the bill to implement or promulgate any rule requiring a physical inventory of any firearms business licensed under federal law, or to deny licenses to dealers because of low sales volume. This language was added in subcommittee with the adoption of an amendment backed by the National Rifle Association (NRA). The NRA has opposed any meaningful additions to gun safety legislation because they believe we aren't enforcing the laws that already exist. Now they are making it impossible to enforce these laws by cutting back on the scope of the funding, placing restrictions on what can be done, and taking the already weak and porous gun safety legislation and rendering it almost meaningless. Every individual has the right to freedom from the threat of gun violence. Yet, gun violence continues to be an epidemic of enormous proportions year after year. In 2000, there were 28,663 gun deaths in the United States, 10,801 of which were homicides. These numbers are drastically larger than those of any other developed nation. Clearly we are not doing enough to protect our citizens from gun violence.

This bill seriously weakens the reporting and licensing laws for gun dealers. Under current law it is already too easy for a convicted felon to purchase a weapon with the aid of a companion. Registration and licensing requirements are strong tools to keep our cities safe. In Massachusetts, a state which requires both registration and licensing, 69 percent of guns used to commit crimes were purchased out of state. In states which have neither licensing nor registration requirements, 89 percent of guns used in crimes are purchased in-state. Gun registration and licensing is a patchwork, state by state system of gun-control which allows criminals access to legitimately purchased guns. This bill will weaken already insufficient gun safety laws, putting the citizens of our nation in harm's way.

While I am concerned with the funding level of the PTFP and the language included regarding BATF licensing of firearms dealers, I vote in support of this bill to move the appropriations process forward. I call on the conference committee to work to address these shortfalls before reporting the bill back for final approval.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in opposition to the violation imposed on women prisoners' right to reproductive choice. Abortion has been legal in this country for more than thirty years. Roe v. Wade did not lay out specifics that only white women or black women could get an abortion, that only the rich or the poor could have this health care service or that is to be taken away if a woman is imprisoned.

In 1993, Congress lifted the six year funding restriction that had prohibited the use of federal funds to provide abortion services to women in federal prison. After the restrictions were lifted, the Bureau of Prisons required medical, religious or social counseling sessions for women seeking these services. The Bureau even took the steps to respect others views by not requiring the participation of any staff personnel that personally did not agree with reproductive choice. Yet in 1995, the funding restriction was put back in place and once again, women prisoners were denied their reproductive choice.

All the cards are stacked against women in prison. In the last decade, the number of women in federal prison has increased by 182 percent, compared to 152 percent for men, making women 7.5 percent of the prison population. The rates of infection for HIV and AIDS in women exceed the rate of infection for men in prison with the number of infected women increasing by more than 88 percent since 1991. Amnesty International USA released a report in 1999 revealing that gynecological services, in general, for women in prisons were inadequate and of poor quality. Many women prisoners are victims of physical or sexual abuse and vulnerable to sexual abuse or misconduct by correctional officers.

Now imagine a women in prison being in those conditions, with those circumstances being isolated from family and friends, not earning meaningful compensation from prison jobs, and being pregnant knowing she will receive poor prenatal care, the loss of custody upon the birth, and without the ability to make a decision on her reproductive rights. These women are completely dependent on the health care services provided by the Bureau of Prisons. This ban prevents them from seeking needed reproductive health care and prohibits them from having a reproductive choice.

Mr. VAN HOLLEN. Mr. Chairman, it is with great reluctance that I oppose this bill. However, I cannot support a bill that makes such deep cuts in investments important to our nation.

Mr. Chairman, among the many egregious cuts in this bill, this Commerce-Justice-State Appropriations bill for 2004 decreases funding for two critical agencies—the National Oceanic and Atmospheric Administration, NOAA, and the National Institute of Standards and Technology, NIST.

The bill appropriates 6 percent less, or $181 million, than the current fiscal year for NOAA programs, and is even 8 percent less than the President's request for 2004.

The bill also funds several distinct programs within NOAA, which will also suffer serious cuts. The National Weather Service, while receiving a small 3 percent increase over the current fiscal year, will actually receive $24 million below the President's request. The National Ocean Service will receive 16 percent less than the current fiscal year. The National Marine Fisheries Service will suffer a 19 percent cut. Funding for programs in Oceanic & Atmospheric Research will decrease by 18 percent. Finally, funding for the National Environmental Satellite Service will decrease by $3 million.

Mr. Chairman, these are programs that serve the public good in a variety of important ways. They help advance America's commerce, promote environmental protection, preserve our fisheries and other natural resources, and protect lives by monitoring the weather. We are doing a great disservice to the American people by slashing these programs.

Cuts to the National Institute of Standards & Technology, NIST, are just as troubling. This appropriations bill provides a staggering 35 percent less than the current fiscal year. This is a terrible blow to scientific research—the key to our future if we are to compete in the global marketplace.

For example, this bill provides no funds for the Advanced Technology Program started by the Clinton administration to assist the development and utilization of new technologies by the private sector. This could result in a reduction-in-force of as many as 250 NIST personnel from a program that works well.

In fact, the net impact of this bill could be a reduction-in-force of up to 300 people, roughly 10 percent of the NIST staff. Cost-of-living adjustments are not fully funded in this bill, forcing other programs within NIST to absorb $6.8 million in costs. This could well result in the loss of 50 NIST personnel through attrition or reductions-in-force.

For my constituents, these are devastating cuts. But these cuts are just as significant to the American people outside my area because these cuts in scientific research will curtail NIST's ability to address America's national priorities.

This bill does not fully fund the majority of NIST's proposed initiatives. In some cases, funding is completely wiped. Delays or under-investment in measurement science now will have significant future impact—delaying the commercialization of emerging technologies. The House Committee's allowance for NIST's efforts related to development of the standards, technology, and practices needed for the cost-effective safety and security of buildings and technical support of fire fighting communities, including emergency response, is less than half of what is required. As a result, the standards and measurements support for upgrading the capabilities of the Nation's fire fighters and the emergency response communities will be significantly delayed. In addition, the shortfall in nanotechnology funding will delay NIST's critical contributions to the National Nanotechnology Initiative.

This bill also does not provide the full funding requested to equip and maintain the new Advanced Measurement Laboratory (AML). Lack of funding for the proper maintenance and operation of the building and the equipment necessary to realize the capabilities of the AML will severely hamper NIST's ability to provide industry and science with the ever more accurate and demanding measurements and standards needed to support advances in nanotechnology, biotechnology, information technology, advanced materials, new manufacturing technology, and other key growth areas. To construct this world-class facility, and then to short-change its maintenance, operation, and equipment needs is inconsistent with the $235 million investment made in the construction of the AML.

Mr. Chairman, some of these programs may seem mundane to many of us in this chamber. But these are crucial scientific programs that will have long-range benefits for all Americans.

Mr. Chairman, we need to ask: are we really helping the American people by slashing these programs? The answer, clearly, is no. These cuts are the price we must pay for an ill-conceived budget and tax policy.

Mr. Chairman, I hope to be able to support this bill when it emerges from Conference. I am grateful to the Ranking Member of the Subcommittee, Mr. SERRANO, for agreeing to work with me to address the concerns I have expressed.

Mr. UDALL of Colorado. Mr. Chairman, the serious effects this bill will have on my district and on the nation are explained in news stories from several Colorado newspapers, which I am including for the interest of my colleagues.

[From the Rocky Mountain News, July 23, 2003]

COLORADO SCIENCE JOBS ON THE LINE

(By M.E. Sprengelmeyer)

WASHINGTON.—Congress is considering deep cuts in federal research funds that would cause an estimated 190 Colorado scientists to lose their jobs.

About $14 million in cuts to the National Oceanic and Atmospheric Administration projects in Colorado, and additional cuts to the National Institute of Standards and Technology, were contained in an appropriations bill being considered by the House of Representatives late Tuesday.

If approved as expected, they still must be considered by the U.S. Senate.

''Obviously, it has me gravely concerned,'' said Susan Avery, director of the University of Colorado Cooperative Institute for Research in the Environmental Sciences. ''These are cuts that could be very detrimental to our research programs.''

The cuts are contained in a $38.6 billion appropriations package for the Commerce, Justice and State departments and the federal judiciary.

The bill would cut $3 million from the Space Environment Center in Boulder and $6.7 million from climate and global change programs. Meanwhile, the bill would eliminate a $4.5 million line item meant to cover rent on NOAA facilities in Boulder, meaning those expenses would have to come out of other programs, such as research funds.

NIST would lose about 300 jobs nationwide, including about 60 in Boulder, said Representative Mark Udall, a Boulder Democrat, who tried unsuccessfully to reserve the cuts on the House floor.

''It is one thing to make government leaner. It is another thing to cut jobs year in and year out at facilities all over the country,'' Udall said in a release.

Avery said the cuts would affect research at both the University of Colorado and Colorado State University, including climate modeling programs and research into weather phenomenon such as El Niño and La Niña.

''Unless the bill is greatly improved in a House-Senate conference committee, it will continue a pattern of bleeding these agencies dry,'' Udall said.

If approved by the House, the bill would move to the Senate, where state researchers hope the cuts will be reversed by Sen. Ben Nighthorse Campbell, an Ignacio Republican and a member of the Appropriations Committee.

''Senator Campbell has a lot in his hands right now because he could do it,'' Avery said. ''He could make it happen. A lot rides on him.''

Camden Hubbard, a spokeswoman for Campbell, said his office is researching the issue.

''He needs to look into it and see exactly what is being cut and make a decision accordingly,'' Hubbard said. ''I have to tell you, money is really tight this year . . . he will see what he can do.''

[From the Boulder Daily Camera, July 23, 2003]

SCIENCE COMMUNITY FACES CUTS

(By Kate Larsen)

The U.S. House of Representatives approved federal budget cuts Tuesday that could cost Boulder's science community $14 million and nearly 200 jobs, U.S. Rep. Mark Udall's staff said.

The 2004 House Commerce, Justice and State spending bill includes large cuts—for the second consecutive year—to Boulder's National Oceanic and Atmospheric Administration and many labs connected to it. The bill reflects a radical difference in the suggested appropriation from President Bush.

If the Senate passes a similar bill, and the cuts clear a joint conference committee and are approved by the president, local research on climate, air quality and space environmental hazards would be affected.

''It is one thing to make government leaner; it is another thing to cut jobs year in and year out at facilities all over the country,'' Udall, D-Colo., said in a statement.

Camden Hubbard, spokeswoman U.S. Sen. Ben Nighthorse Campbell, R-Colo., warned that is still early in the process. The Senate has yet to take on this issue.

''Money is very tight and (Sen. Campbell's) going to be looking into this situation to see if these cuts are a good idea or a bad idea,'' Hubbard said.

The proposed cuts would come on top of $7 million in cuts NOAA and other labs endured this year.

''Very important weather and climate research would have to be terminated,'' said Alexander MacDonald, director of NOAA's forecast systems laboratory.

NOAA's Space Environment Center is facing about $3 million in cuts for 2004. The lab provides forecasts of solar storms for NASA, commercial aviation, the military and power companies.

Severe weather forecasts, long-term and seasonal climate changes also would suffer, MacDonald said. Similar to this year's cuts, this round also withholds a $4.5 million appropriation for rent at NOAA.

The Cooperative Institute for Research in Environmental Sciences—a partnership between the University of Colorado and NOAA—and other labs affiliated with NOAA stand to lose an estimated $6.7 million, said agency Interim Director Koni Steffen.

''It's not something where you can just do less science—you have to lay off people,'' Steffen said. ''Our reputation certainly is at stake here.''

FEDS TO CUT RESEARCH DOLLARS

(By Sarah-Jane Wilton)

Officials at the University of Colorado Boulder campus Tuesday called for action from the U.S. Senate to prevent massive cuts in federal funding for research labs across the state, many of which have strong ties with the university.

The U.S. Congress was scheduled to vote on the Commerce, Justice and State appropriations bill for the 2004 fiscal year Tuesday evening, which could see $14 million cut from the National Oceanic and Atmospheric Administration (NOAA) labs and from the National Institutes of Standards and Technology (NIST).

NOAA provides $6.7 million in crucial funding for the Colorado Cooperative Institute for Research in the Environmental Sciences (CIRES), the University Corporation for Atmospheric Research (UCAR), and the National Center for Atmospheric Research (NCAR).

CU could be one of 40 leading research universities with research projects funded by NOAA facing cuts.

According to Lawrence Pacheco, spokesman for Congressman Mark Udall, explained that $4.5 million of NOAA's funding is used covering the organization's rent.

Pacheco said, ''130 people will lose their jobs . . . from NOAA alone. Not only can they (cut the funding), they are doing it.''

Pacheco said that Udall has been working with the research community to try to restore the funding.

Associate Vice Chancellor for Research at the Boulder campus, Carol Lynch, said that CU-Boulder would be impacted more directly by the cuts to NOAA than those to NIST, both of which have intimate relations with two of CU-Boulder institutes, CIRES and JILA.

''If NOAA is cut, it would maybe not destroy CIRES, but come close to it,'' said Lynch. ''We would really have to restructure that institute into something significantly smaller.''

Both CIRES and JILA are cooperative entities within the university, receiving block funding from NOAA as well as a share of lab resources and personnel.

''The cuts that (Congress) are proposing are just absolutely drastic,'' said Lynch.

Among other projects, NOAA conducts research in climate diagnostics that provide crucial understanding of global warming, weather and climate patterns and the impact of atmospheric conditions.

''This is not just fun and games sciences—this is really important areas of research,'' said Lynch.

Although Lynch was not sure of the exact amount of funding CIRES received, she thought it was well over half the institute's budget.

''If these cuts go through we will have a very different institute with far less ability to manage the science that they have been mandated to manage,'' said Lynch.

Lynch has not seen a detailed analysis on where cuts would come and which programs would be targeted. But she said much of the staff support was funded by grant-support from NOAA.

Cuts would also hinder the ability of CIRES to undertake new initiatives, such as the recent study on ''Water in the West.''

Lynch said serious budget cuts could impact the intellectual environment of the campus.

''I would worry about losing faculty,'' said Lynch. ''We have some very high-quality faculty (working at CIRES).''

Undergraduate, graduate and post-doctoral students have always had great support in their research at CIRES, and this would also be in jeopardy, she said.

Chair of the Council of Boulder Laboratories Directors, Randall Dole, who is also Director of the Climate Diagnostics Center said that until the cuts were finalized it would be hard to say exactly how much staff would be laid off.

''This is not just a NOAA problem—frankly this is a Colorado problem,'' said Dole. ''Because it seats back in the whole community, you could see the potential for manifold effects which go beyond the loss of 50–100 jobs.''

Dole said there was no question of the impact the cuts would have on the volume and the rate of progress of research being conducted by the various organizations, much of which focuses greatly on the state's drought, ozone and climate issues.

Pacheco said he was certain Congress would approve the bill, the U.S. could amend it.

Mr. MATHESON. Mr. Chairman, over the last few months, I have met with local law enforcement in Utah and the message is loud and clear, COPS and Byrne grants are efficient and effective programs. As a result of these meetings, I fought hard to preserve some of the most basic and fundamental law enforcement funding mechanisms offered by the federal government.

The number one program that Utah law enforcement officers bring to my attention is the importance of the Byrne Grant program. This partnership among federal, state, and local governments creates safer communities by providing funds for personnel, equipment, training, technical assistance, and information systems for more widespread apprehension, prosecution, adjudication, detention, and rehabilitation of offenders who violate such state and local laws.

Another successful program is Community Oriented Policing Services, COPS. Since its inception in 1994, the COPS program has been one of the most successful law enforcement grant programs in American history. A central goal of the COPS Office is to help law enforcement agencies implement and enhance community-based policing, and this program in particular has been successful in Utah.

While I am pleased to see that the House Appropriations Committee provided $683 million for the Community Oriented Policing Services, COPS program, it deserves more funding. I am happy that the House Appropriations Committee funded the Byrne Formula Grants at $500 million. This grant program is vital to local law enforcement in Utah. It is my hope that Congress and the Administration can recognize the value of these programs and that in the future we can work toward full funding.

Mr. WOLF. Mr. Chairman, the following table details budget authority of the Commerce, Justice, State, the Judiciary, and Related Agencies:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	90,477	133,772	106,664	+16,187	-27,108
Supplemental appropriations (P.L. 108-11)	5,000	---	---	-5,000	---
Joint automated booking system	15,869	---	---	-15,869	---
Automated Biometric Identification System-Integrated Identification system integration	8,941	---	---	-8,941	---
Identification systems integration	---	34,077	20,677	+20,677	-13,400
Legal activities office automation	15,838	---	30,136	+14,298	+30,136
Narrowband communications	63,936	140,083	103,171	+39,235	-36,912
Transfer from Treasury	7,391	---	---	-7,391	---
Counterterrorism fund	993	---	1,000	+7	+1,000
Supplemental appropriations (P.L. 108-11)	20,000	---	---	-20,000	---
Administrative review and appeals	190,290	197,420	193,530	+3,240	-3,890
Detention trustee	768,578	810,125	810,125	+41,547	---
Supplemental appropriations (P.L. 108-11)	40,000	---	---	-40,000	---
Office of Inspector General	51,599	62,029	56,245	+4,646	-5,784
Supplemental appropriations (P.L. 108-11)	2,500	---	---	-2,500	---
Total, General administration	1,281,412	1,377,506	1,321,548	+40,136	-55,958
United States Parole Commission					
Salaries and expenses	10,420	11,051	10,609	+189	-442
Legal Activities					
General legal activities:					
Direct appropriation	605,368	663,350	618,537	+13,169	-44,813
Radiation exposure compensation act	1,983	---	---	-1,983	---
Non-defense	---	1,996	1,996	+1,996	---
Subtotal	607,351	665,346	620,533	+13,182	-44,813
Vaccine injury compensation trust fund (permanent)	4,002	4,028	4,028	+26	---
Legal activities office automation	---	33,240	---	---	-33,240
Antitrust Division	133,133	141,898	128,133	-5,000	-13,765
Offsetting fee collections - current year	-133,133	-112,000	-112,000	+21,133	---
Direct appropriation	---	29,898	16,133	+16,133	-13,765
United States Attorneys	1,493,993	1,556,784	1,526,253	+32,260	-30,531
United States Trustee System Fund	155,736	175,172	166,157	+10,421	-9,015
Offsetting fee collections	-149,736	-167,172	-158,157	-8,421	+9,015
Interest on U.S. securities	-6,000	-8,000	-8,000	-2,000	---
Direct appropriation	---	---	---	---	---
Foreign Claims Settlement Commission	1,129	1,212	1,205	+76	-7
United States Marshals Service:					
Salaries and expenses (non-CSE)	676,051	720,806	678,672	+2,621	-42,134
Supplemental appropriations (P.L. 108-11)	8,000	---	---	-8,000	---
Construction	15,028	---	---	-15,028	---
Total, United States Marshals Service	699,079	720,806	678,672	-20,407	-42,134
Fees and expenses of witnesses	175,645	156,145	156,145	-19,500	---
Community Relations Service	9,412	9,526	9,526	+114	---
Assets forfeiture fund	21,759	22,949	21,759	---	-1,190
Total, Legal activities	3,012,370	3,199,934	3,034,254	+21,884	-165,680
Interagency Law Enforcement					
Interagency crime and drug enforcement	369,712	541,844	---	-369,712	-541,844

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	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Bureau of Investigation					
Salaries and expenses	3,680,923	4,149,465	4,086,626	+405,703	-62,839
Supplemental appropriations (P.L. 108-11)	367,192	---	---	-367,192	---
Counterintelligence and national security	472,211	490,104	490,104	+17,893	---
Direct appropriation	4,520,326	4,639,569	4,576,730	+56,404	-62,839
Foreign terrorist tracking task force	61,597	---	61,597	---	+61,597
Construction	1,242	---	1,242	---	+1,242
Total, Federal Bureau of Investigation	4,583,165	4,639,569	4,639,569	+56,404	---
Drug Enforcement Administration					
Salaries and expenses	1,639,223	1,677,304	1,719,888	+80,665	+42,584
Diversion control fund	-88,450	-118,561	-118,561	-30,111	---
Subtotal	1,550,773	1,558,743	1,601,327	+50,554	+42,584
Interagency drug enforcement	---	---	556,465	+556,465	+556,465
Total, Drug Enforcement Administration	1,550,773	1,558,743	2,157,792	+607,019	+599,049
Bureau of Alcohol, Tobacco and Firearms	788,273	838,987	831,199	+42,926	-7,788
GREAT grants	12,915	13,000	---	-12,915	-13,000
Total	801,188	851,987	831,199	+30,011	-20,788
Federal Prison System					
Salaries and expenses	4,044,788	4,677,214	4,461,257	+416,469	-215,957
Buildings and facilities	396,632	---	202,840	-193,792	+202,840
Rescission	---	-187,900	---	---	+187,900
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,407	3,429	3,429	+22	---
Total, Federal Prison System	4,444,827	4,492,743	4,667,526	+222,699	+174,783
Office of Justice Programs					
Justice assistance	199,983	2,136,423	209,131	+9,148	-1,927,292
(By transfer)	(6,632)	---	(6,632)	---	(+6,632)
Rescission	---	-11,622	---	---	+11,622
Total, Office of Justice Programs	199,983	2,124,801	209,131	+9,148	-1,915,670
State and local law enforcement assistance:					
Local law enforcement block grant	397,400	---	400,000	+2,600	+400,000
Boys and Girls clubs (earmark)	(79,480)	---	(80,000)	(+520)	(+80,000)
National Institute of Justice (earmark)	(19,870)	---	(20,000)	(+130)	(+20,000)
USA FREEDOM corps (earmark)	(2,981)	---	(5,000)	(+2,019)	(+5,000)
Indian assistance	17,883	---	13,000	-4,883	+13,000
Tribal prison construction	(4,968)	---	---	(-4,968)	---
Indian tribal courts program	(7,948)	---	(8,000)	(+52)	(+8,000)
Indian grants	(4,968)	---	(5,000)	(+32)	(+5,000)
State criminal alien assistance program	248,375	---	400,000	+151,625	+400,000
Cooperative agreement program	4,968	---	2,500	-2,468	+2,500
Byrne grants (formula)	496,750	---	500,000	+3,250	+500,000
Byrne grants (discretionary)	149,933	---	115,000	-34,933	+115,000
Juvenile crime block grant	188,765	---	---	-188,765	---
Drug courts	44,708	---	55,000	+10,292	+55,000
State prison drug treatment	64,577	---	70,000	+5,423	+70,000
Other crime control programs	5,653	---	5,361	-292	+5,361
Assistance for victims of trafficking	9,935	---	10,000	+65	+10,000
Violence against women prevention and prosecution	387,629	---	---	-387,629	---
Prescription drug monitoring	7,451	---	10,000	+2,549	+10,000

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(Amounts in thousands)

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Prison rape prevention	12,915	---	60,000	+47,085	+60,000
Terrorism prevention and response training	14,902	---	---	-14,902	---
Prior year unobligated balances	-20,854	---	---	+20,854	---
Total, State and local law enforcement	2,030,990	---	1,640,861	-390,129	+1,640,861
Weed and seed program fund	58,542	---	51,811	-6,731	+51,811
Community oriented policing services:					
Hiring	198,700	---	---	-198,700	---
Training and technical assistance	20,528	20,662	20,662	+134	---
Bullet proof vests	25,279	---	25,000	-279	+25,000
Tribal law enforcement	34,773	30,000	30,000	-4,773	---
Meth hot spots	56,761	20,000	60,000	+3,239	+40,000
Police corps	14,903	---	28,315	+13,412	+28,315
COPS technology	188,719	50,000	100,000	-88,719	+50,000
Interoperable communications	19,870	---	---	-19,870	---
Supplemental appropriations (P.L. 108-11)	54,750	---	---	-54,750	---
Criminal records upgrade	39,740	---	56,924	+17,184	+56,924
DNA backlog/crime lab	81,009	---	174,353	+93,344	+174,353
Paul Coverdell forensics science	---	---	5,000	+5,000	+5,000
Crime identification technology	68,626	---	---	-68,626	---
Gun violence reduction	44,708	---	45,000	+292	+45,000
Southwest border prosecutors	39,740	---	40,000	+260	+40,000
Project sentry	9,935	---	---	-9,935	---
Offender reentry	14,837	---	13,504	-1,333	+13,504
Safe schools initiative	15,111	---	---	-15,111	---
Police integrity grants	16,853	16,963	17,000	+147	+37
DC Circuit Court and fugitive apprehension	---	---	41,105	+41,105	+41,105
Management and administration	32,782	26,130	26,130	-6,652	---
Rescission	---	-6,378	---	---	+6,378
Total, Community oriented policing services	977,624	157,377	682,993	-294,631	+525,616
Violence against women prevention and prosecution	---	---	387,629	+387,629	+387,629
Juvenile justice programs	273,517	---	462,282	+188,765	+462,282
(Transfer out)	(-6,632)	---	(-6,632)	---	(-6,632)
Public safety officers benefits:					
Death benefits	49,054	49,054	49,054	---	---
Disability and education benefits	3,974	---	7,500	+3,526	+7,500
Total, Public safety officers benefits program	53,028	49,054	56,554	+3,526	+7,500
Total, Office of Justice Programs	3,593,684	2,331,232	3,491,261	-102,423	+1,160,029
Total, title I, Department of Justice	19,647,551	19,004,609	20,153,758	+506,207	+1,149,149
(Transfer out)	(-6,632)	---	(-6,632)	---	(-6,632)
(By transfer)	(6,632)	---	(6,632)	---	(+6,632)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	34,772	36,994	41,994	+7,222	+5,000
European communities music licensing dispute (P.L. 108-11)	3,300	---	---	-3,300	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Trade Commission					
Salaries and expenses	53,649	58,295	57,000	+3,351	-1,295
Total, Related agencies	91,721	95,289	98,994	+7,273	+3,705
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	367,838	395,123	395,123	+27,285	---
Offsetting fee collections	-8,000	-13,000	-13,000	-5,000	---
Direct appropriation	359,838	382,123	382,123	+22,285	---
Bureau of Industry and Security					
Operations and administration	59,088	78,169	61,000	+1,912	-17,169
CWC enforcement	7,203	---	7,203	---	+7,203
Total, Bureau of Industry and Security	66,291	78,169	68,203	+1,912	-9,966
Economic Development Administration					
Economic development assistance programs	288,115	331,027	288,115	---	-42,912
Salaries and expenses	30,565	33,377	30,565	---	-2,812
Total, Economic Development Administration	318,680	364,404	318,680	---	-45,724
Minority Business Development Agency					
Minority business development	28,718	29,487	29,000	+282	-487
Total, Trade and Infrastructure Development	865,248	949,472	897,000	+31,752	-52,472
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	71,689	84,756	75,000	+3,311	-9,756
Bureau of the Census					
Salaries and expenses	181,811	220,908	220,908	+39,097	---
Periodic censuses and programs	369,067	441,053	441,053	+71,986	---
Total, Bureau of the Census	550,878	661,961	661,961	+111,083	---
National Telecommunications and Information Administration					
Salaries and expenses	14,604	18,869	14,604	---	-4,265
Public telecommunications facilities, planning and construction	43,273	2,538	2,538	-40,735	---
Information infrastructure grants	15,402	---	15,402	---	+15,402
Total, National Telecommunications and Information Administration	73,279	21,407	32,544	-40,735	+11,137
United States Patent and Trademark Office					
Current year fee funding	1,015,229	1,203,055	1,138,700	+123,471	-64,355
Prior year carryover	166,771	---	100,000	-66,771	+100,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
New fees (proposed legislation)	---	192,000	---	---	-192,000
Total, Patent and Trademark Office	1,182,000	1,395,055	1,238,700	+56,700	-156,355
Offsetting fee collections	-1,015,229	-1,203,055	-1,238,700	-223,471	-35,645
Total, Economic and Information Infrastructure	862,617	960,124	769,505	-93,112	-190,619
SCIENCE AND TECHNOLOGY					
Technology Administration					
Office of Technology Policy					
Salaries and expenses	9,822	8,015	7,822	-2,000	-193
National Institute of Standards and Technology					
Scientific and technical research and services	357,075	379,849	357,862	+787	-21,987
Industrial technology services	284,760	39,607	39,607	-245,153	---
Construction of research facilities	65,670	69,590	62,590	-3,080	-7,000
Working capital fund	---	7,772	---	---	-7,772
Total, National Institute of Standards and Technology	707,505	496,818	460,059	-247,446	-36,759
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,298,481	2,389,300	2,180,454	-118,027	-208,846
(By transfer from Promote and Develop Fund)	(65,000)	(75,000)	(79,251)	(+14,251)	(+4,251)
(By transfer from Coastal zone management)	---	3,000	---	---	-3,000
Total, Operations, research, and facilities	2,298,481	2,392,300	2,180,454	-118,027	-211,846
Procurement, acquisition and construction	754,096	842,399	794,059	+39,963	-48,340
Supplemental appropriations (P.L. 108-11)	65,000	---	---	-65,000	---
Total, Procurement, acquisition and construction	819,096	842,399	794,059	-25,037	-48,340
Pacific coastal salmon recovery	129,155	90,000	90,000	-39,155	---
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fishermen's contingency fund	1	956	---	-1	-956
Foreign fishing observer fund	1	191	---	-1	-191
Fisheries finance program account	-8,000	-4,000	-7,000	+1,000	-3,000
Total, National Oceanic and Atmospheric Administration	3,235,734	3,318,846	3,054,513	-181,221	-264,333
Total, Science and Technology	3,953,061	3,823,679	3,522,394	-430,667	-301,285
Departmental Management					
Salaries and expenses	44,662	57,191	44,662	---	-12,529
[illegible]		3,378	22,000	+1,499	-1,378
Total, Departmental management	65,163	80,569	66,662	+1,499	-13,907
Tourism promotion (sec. 210)	49,675	---	---	-49,675	---
Total, Department of Commerce	5,704,043	5,718,555	5,156,567	-547,476	-561,988
Total, title II, Department of Commerce and related agencies	5,795,764	5,813,844	5,255,561	-540,203	-558,283
Appropriations	(5,795,764)	(5,813,844)	(5,255,561)	(-540,203)	(-558,283)
(By transfer)	(65,000)	(75,000)	(79,251)	(+14,251)	(+4,251)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,872	1,896	1,896	+24	---
Other salaries and expenses	43,586	55,581	53,464	+9,878	-2,117
Supplemental appropriations (P.L. 108-11)	1,535	---	---	-1,535	---
Total, Salaries and expenses	46,993	57,477	55,360	+8,367	-2,117
Care of the building and grounds	41,355	4,658	10,591	-30,764	+5,933
Total, Supreme Court of the United States	88,348	62,135	65,951	-22,397	+3,816
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,225	2,237	2,237	+12	---
Other salaries and expenses	17,970	20,185	18,428	+458	-1,757
Supplemental appropriations (P.L. 108-11)	973	---	---	-973	---
Total, Salaries and expenses	21,168	22,422	20,665	-503	-1,757
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,678	1,721	1,721	+43	---
Other salaries and expenses	11,931	12,485	12,347	+416	-138
Supplemental appropriations (P.L. 108-11)	50	---	---	-50	---
Total, Salaries and expenses	13,659	14,206	14,068	+409	-138
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	263,854	274,504	274,504	+10,650	---
Other salaries and expenses	3,513,161	3,913,848	3,729,672	+216,511	-184,176
Direct appropriation	3,777,015	4,188,352	4,004,176	+227,161	-184,176
Vaccine Injury Compensation Trust Fund	2,766	3,293	3,293	+527	---
Defender services	534,961	635,481	613,948	+78,987	-21,533
Fees of jurors and commissioners	54,281	53,181	53,181	-1,100	---
Court security	266,655	311,171	288,941	+22,286	-22,230
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,635,678	5,191,478	4,963,539	+327,861	-227,939
Administrative Office of the United States Courts					
Salaries and expenses	63,087	71,908	66,968	+3,881	-4,940
Federal Judicial Center					
Salaries and expenses	20,720	21,660	21,440	+720	-220
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	35,300	29,000	29,000	-6,300	---
United States Sentencing Commission					
Salaries and expenses	12,011	13,200	12,746	+735	-454

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Provisions					
Judges pay raise (sec. 304)	---	4,000	---	---	-4,000
Total, title III, the Judiciary	4,889,971	5,430,009	5,194,377	+304,406	-235,632
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,248,008	3,516,843	3,453,260	+205,252	-63,583
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	---	---
Supplemental appropriations (P.L. 108-11)	98,420	---	---	-98,420	---
Worldwide security upgrades	549,405	646,701	646,701	+97,296	---
Total, Diplomatic and consular programs	3,895,833	4,163,544	4,099,961	+204,128	-63,583
Capital investment fund	182,119	157,000	142,000	-40,119	-15,000
Office of Inspector General	29,074	31,703	29,777	+703	-1,926
Educational and cultural exchange programs	243,712	345,346	345,346	+101,634	---
Representation allowances	6,443	9,000	9,000	+2,557	---
Protection of foreign missions and officials	10,929	10,000	10,000	-929	---
Embassy security, construction, and maintenance	505,195	653,000	532,935	+27,740	-120,065
Supplemental appropriations (P.L. 108-11)	149,500	---	---	-149,500	---
Worldwide security upgrades	750,093	861,400	861,400	+111,307	---
Emergencies in the diplomatic and consular service	6,458	1,000	1,000	-5,458	---
Supplemental appropriations (P.L. 108-11)	50,000	---	---	-50,000	---
(By transfer)	(4,000)	(4,000)	(4,000)	---	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	---	---
Repatriation Loans Program Account:					
Direct loans subsidy	608	612	612	+4	---
Administrative expenses	603	607	607	+4	---
(By transfer)	(1,000)	(1,000)	(1,000)	---	---
Total, Repatriation loans program account	1,211	1,219	1,219	+8	---
Payment to the American Institute in Taiwan	18,330	19,773	18,782	+452	-991
Payment to the Foreign Service Retirement and Disability Fund	138,200	134,979	134,979	-3,221	---
Total, Administration of Foreign Affairs	5,987,097	6,387,964	6,186,399	+199,302	-201,565
International Organizations					
Contributions to international organizations, current year assessment	860,371	1,010,463	1,010,463	+150,092	---
Contributions for international peacekeeping activities, current year	669,331	550,200	550,200	-119,131	---
Total, International Organizations and Conferences	1,529,702	1,560,663	1,560,663	+30,961	---
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	25,316	31,562	25,668	+352	-5,894
Construction	5,415	8,901	5,500	+85	-3,401
American sections, international commissions	9,410	11,204	8,944	-466	-2,260
International fisheries commissions	16,989	20,043	16,989	---	-3,054
Total, International commissions	57,130	71,710	57,101	-29	-14,609
Other					
Payment to the Asia Foundation	10,376	9,250	10,376	---	+1,126
Eisenhower Exchange Fellowship program	497	500	500	+3	---
Israeli Arab scholarship program	373	375	375	+2	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2799)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
East-West Center	17,883	14,280	---	-17,883	-14,280
National Endowment for Democracy	41,727	36,000	42,000	+273	+6,000
Total, Department of State	7,644,785	8,080,742	7,857,414	+212,629	-223,328
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	465,850	525,204	552,105	+86,255	+26,901
Supplemental appropriations (P.L. 108-11)	30,500	---	---	-30,500	---
Broadcasting to Cuba	24,834	26,901	---	-24,834	-26,901
Broadcasting capital improvements	12,657	11,395	11,395	-1,262	---
Total, Broadcasting Board of Governors	533,841	563,500	563,500	+29,659	---
Total, title IV, Department of State	8,178,626	8,644,242	8,420,914	+242,288	-223,328
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	---	---
(By transfer)	(5,000)	(5,000)	(5,000)	---	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	---	---	1,499	+1,499	+1,499
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	496	499	499	+3	---
Commission on Civil Rights					
Salaries and expenses	9,037	9,096	9,096	+59	---
Commission on International Religious Freedom					
Salaries and expenses	2,865	3,000	3,000	+135	---
Commission on Ocean Policy					
Salaries and expenses	1,987	---	---	-1,987	---
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,572	1,615	1,615	+43	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,371	1,800	1,800	+429	---
Equal Employment Opportunity Commission					
Salaries and expenses	306,815	334,754	328,400	+21,585	-6,354
Supplemental appropriations (P.L. 108-11)	15,000	---	---	-15,000	---
Federal Communications Commission					
Salaries and expenses	270,987	280,798	278,958	+7,971	-1,840
Offsetting fee collections - current year	-269,000	-251,984	-269,000	---	-17,016
Direct appropriation	1,987	28,814	9,958	+7,971	-18,856

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Trade Commission					
Salaries and expenses	176,553	191,132	183,041	+6,488	-8,091
Offsetting fee collections - current year	-150,000	-112,000	-112,000	+38,000	---
Offsetting fee collections, telephone database	-18,100	-18,000	-20,100	-2,000	-2,100
Direct appropriation	8,453	61,132	50,941	+42,488	-10,191
Legal Services Corporation					
Payment to the Legal Services Corporation	336,645	329,300	338,848	+2,203	+9,548
Marine Mammal Commission					
Salaries and expenses	3,030	1,856	1,856	-1,174	---
National Commission on Terrorism Attacks Upon the United States					
Salaries and expenses (P.L. 108-11)	11,000	---	---	-11,000	---
National Veterans Business Development Corporation					
Salaries and expenses	1,987	2,000	2,000	+13	---
Securities and Exchange Commission					
Salaries and expenses	745,789	841,507	841,500	+95,711	-7
Prior year unobligated balances	-29,439	---	-103,000	-73,561	-103,000
Direct appropriation	716,350	841,507	738,500	+22,150	-103,007
Small Business Administration					
Salaries and expenses	312,413	360,155	326,592	+14,179	-33,563
Office of Inspector General	12,341	14,500	13,000	+659	-1,500
Business Loans Program Account:					
Direct loans subsidy	3,702	1,910	1,910	-1,792	---
Guaranteed loans subsidy	84,805	94,860	84,805	---	-10,055
Administrative expenses	128,161	129,000	129,000	+839	---
Total, Business loans program account	216,668	225,770	215,715	-953	-10,055
Disaster Loans Program Account:					
Direct loans subsidy	72,665	79,109	72,665	---	-6,444
Administrative expenses	117,585	118,354	117,585	---	-769
Gainsharing	---	3,000	---	---	-3,000
Total, Disaster loans program account	190,250	200,463	190,250	---	-10,213
Total, Small Business Administration	731,672	800,888	745,557	+13,885	-55,331
State Justice Institute					
Salaries and expenses	2,981	---	3,000	+19	+3,000
Total, title V, Related agencies	2,153,248	2,416,261	2,236,569	+83,321	-179,692
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission)	-78,000	---	---	+78,000	---

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(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Legal Activities					
Assets forfeiture fund (rescission)	-50,874	---	---	+50,874	---
Office of Justice Programs					
State & local law enforcement assistance (rescission)	---	---	-24,122	-24,122	-24,122
Community oriented policing services (rescission)	---	---	-6,378	-6,378	-6,378
Immigration and Naturalization Service					
Immigration emergency fund (rescission)	-580	---	---	+580	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmostpheric Administration					
Coastal impact assistance (rescission)	-7,000	---	---	+7,000	---
Departmental Management					
Emergency oil and gas guaranteed loan program account (rescission)	-920	---	---	+920	---
Emergency steel guaranteed loan program account (rescission)	---	-97,000	---	---	+97,000
RELATED AGENCIES					
Federal Communications Commission					
Salaries and expenses (rescission)	-5,700	---	---	+5,700	---
Small Business Administration					
Salaries and expenses (rescission)	-13,750	---	---	+13,750	---
Business Loans Program Account:					
Guaranteed loans subsidy (rescission)	-10,500	---	---	+10,500	---
Total, title VII, Rescissions	-167,324	-97,000	-30,500	+136,824	+66,500
Grand total:					
New budget (obligational) authority	40,497,836	41,211,965	41,230,679	+732,843	+18,714
Appropriations	(40,665,160)	(41,514,865)	(41,261,179)	(+596,019)	(-253,686)
Rescissions	(-167,324)	(-302,900)	(-30,500)	(+136,824)	(+272,400)
(Transfer out)	(-11,632)	(-5,000)	(-11,632)	---	(-6,632)
(By transfer)	(76,632)	(80,000)	(90,883)	(+14,251)	(+10,883)

Mr. MATHESON. Mr. Chairman, our nation is facing a protracted economic downturn, and manufacturers have been particularly hard hit. It is crucial that the federal government assists the smaller manufacturing businesses, which contribute significantly to the economy. This is why I support the Manufacturing Extension Partnership, MEP, program.

Many small businesses in my home state of Utah have benefited substantially from the MEP. I believe that if the federal government is content to merely study the problems of manufacturers, without providing a plan of action or tangible assistance, then our efforts to improve local economies will necessarily fall short.

While I am pleased to see that the House Appropriations Committee provided $39.6 million for MEP, I hope that this worthy program will receive full funding during Senate consideration. Our government has devised and implemented an excellent resource for manufacturers and I believe that it deserves the continued support of Congress and the administration. Thank you for your consideration.

The CHAIRMAN. Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, pursuant to House Resolution 326, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 21, not voting 13, as follows:

[Roll No. 422]

YEAS—400

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
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Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
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Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
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
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Akin
Costello
Duncan
Flake
Franks (AZ)
Green (WI)
Hefley
Hensarling
Jones (NC)
McCarthy (NY)
McInnis
Musgrave
Oxley
Paul
Pence
Royce
Tancredo
Tauzin
Taylor (MS)
Udall (CO)
Van Hollen

NOT VOTING—13

Berkley
Bishop (UT)
Emerson
Ferguson
Ford
Gephardt
Gutknecht
Kennedy (RI)
Lewis (GA)
Norwood
Pryce (OH)
Sullivan
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1523

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcall No. 422, I mistakenly thought I had already voted. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2800, and that I may include tabular and extraneous material.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 327 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2800.

□ 1525

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

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

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

Mr. Chairman, I am pleased to present, at long last I should say, present H.R. 2800, the Foreign Operations appropriations bill for fiscal year 2004. In almost all the instances that we will see here today, this is a joint recommendation, which means that there are compromises that are made on both sides; and it is one of which I am very proud.

I am very proud to have worked with the gentlewoman from New York (Mrs. LOWEY), my colleague, the ranking member from the minority side. Working with her has been absolutely a joy. She has been wonderful in her spirit of trying to find a bipartisan approach to foreign policy. It is in that spirit, I believe, that this bill is presented today; and I want to thank her and her staff for the tireless work that they have done on this bill.

I might add, I want to thank the staff that surrounds me here, led by the able Clerk of our subcommittee, Charlie Flickner, and my personal staff for the extraordinary work that they have done to get us to where we are today.

Mr. Chairman, the subcommittee's recommendation for fiscal year 2004 foreign assistance and export financing funding is $17.1 billion. That is $1.7 billion below the administration's request. We worked to accommodate as many of the Members' interests as possible, while keeping in mind the broader national and international situation.

In the papers, on TV, in the streets, we are faced daily with the ramification of the issues that are covered by this bill. This bill provides vital funding to fight wars against disease and drugs, for building peace and democracy, and for building economic prosperity around the world.

The President's trip to Africa a few weeks ago highlighted the opportunity we have this year to embark on a bold new direction in international assistance. During his trip, the President championed initiatives to address two of the greatest problems facing our world today, persistent poverty and HIV/AIDS. The Millennium Challenge Account and the emergency plans for AIDS relief are the most innovative programs that we have seen in decades that reshape foreign assistance.

The Millennium Challenge Account will provide an incentive for countries to build a political and economic infrastructure which leads to long-term development, which leads to sustainable development, which leads to the improvement in the lives of the citizens of the countries involved.

The AIDS initiative will bring medicine and care and hope to millions of people. The very promise of care and treatment has already brought hope to millions.

These initiatives may be innovative new approaches, but the work of our subcommittee has not changed. We must distribute the resources that are allotted to us, resources that are never quite enough, across a wide range of competing priorities. We have to make difficult choices among deserving programs, and we are charged with ensuring that taxpayer money is spent wisely and efficiently. We all must remember that effective programs require a firm foundation and good management.

This year we have once again provided more funds than the President requests for HIV/AIDS, for its prevention, treatment, care and support. Our bill recommends $1.43 billion for HIV/AIDS, tuberculosis and malaria. Add to that the $645 million that was recommended by the Subcommittee on Labor, Health and Human Services, Education and Related Agencies and that the House approved last week, this body now proposes to spend nearly $2.1 billion for these three diseases, an amount that more than meets the President's request of $2.04 billion.

This $2 billion represents the first installment of $15 billion to be spent against these three diseases over the next 5 years. Let me make that crystal clear. This administration and this subcommittee and, I believe, this Congress are fully committed to spending $15 billion on prevention and life-saving treatments for those afflicted with AIDS around the world. This $2 billion that is in these two bills, last week and here today on the floor, is only our first installment in that program.

□ 1530

Now, the Millennium Challenge Account is a new component of our bill this year. I fully support the MCA. I am excited about it. I believe it can make our investments in developing assistance more effective and more sustainable. Our bill recommends $800 billion for the MCA, or Millennium Challenge Account, and we believe that is the amount that can be effectively spent in fiscal year 2004.

Of course, in future years more resources are going to be needed to fight HIV/AIDS and to support the initiatives of the MCA. I have confidence that the Congress will meet the 5-year pledge for AIDS and that additional funds will be forthcoming to support the creative delivery of foreign assistance through the MCA in years ahead. But it is the very size of the task facing us over the coming years that counsels patience today. Our recommendations for the HIV/AIDS initiative and for the MCA are the first steps in two very ambitious, very innovative, and very new programs. With this $2 billion the House provides for AIDS this coming year, agencies can build a solid framework to support the $13 billion that will follow. With our $800 million for the Millennium Challenge Account, we will have a structure that can effectively and wisely use the added $5 billion in development assistance that the President has pledged to put on top of existing development assistance. But our recommendation is not so extravagant, Mr. Chairman, that money will lay waiting to be spent, gathering pressure that might lead to waste and to unwise expenditures, eroding public confidence in these two initiatives.

Some of our colleagues are pressing to take even more, to move money into AIDS from the MCA for other programs. Such an approach, Mr. Chairman, would, in my opinion, be an unwise one. What we have provided for the President's new HIV/AIDS initiative is prudent, when we consider that the coordinator, who has been named for these programs in the State Department, has not yet been confirmed by the Senate. Taking more money from the MCA would signal a lack of confidence in the approach of the MCA. We should instead be recognizing the President for his vision, and $800 million to launch this program is an appropriate level.

The final priority I want to mention in this bill is funding for Israel, Egypt, and Jordan. This funding accounts for nearly $5 billion of the total. Let me add that the major refugee account and the key military assistance accounts, so vital in our war against terrorism and to protect our national security, are all fully funded.

Of course, the funding priorities I have laid out for my colleagues add up to more than the increase in our budget allocation. So the subcommittee has gone to great lengths to avoid reducing appropriations in order to make room for the AIDS emergency plan and the Millennium Challenge Account, and for the admirable commitment of the gentlewoman from New York (Mrs. LOWEY) to improving basic education globally. Within Child Survival and Health, we have succeeded in holding the levels for Child Survival and Maternal Health, for Vulnerable Children, for Family Planning and Reproductive Health, and our unrestricted grant to UNICEF at last year's level.

Our funding for international funding institutions, the Economic Support Fund, which is used by the State Department and the President to support economic development assistance around the world, and two of the President's lesser initiatives, has been reduced or eliminated to accommodate the initiatives within the allocation that was given to us.

Separately, I would note that there is no money in this bill for the reconstruction in Iraq. None has been requested by the administration. Although many of us expect and many of us heard yesterday from Ambassador Bremer that more money may well be required shortly, we will await a Presidential decision on this matter.

In closing, let me say, and I say this with some confidence, that this is a good bill, one which I believe that all Members can be proud of and which I hope will have the support of all the Members of this body. It is fiscally responsible. It is within the subcommittee's budget allocation. It is a bill that helps to lay the groundwork for the important work that is ahead of us as we launch these major initiatives in development assistance and HIV/AIDS prevention and treatment. It is a bill that meets our challenges overseas and impacts the national security of this Nation. I urge the Members to support this legislation.

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

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

Mr. Chairman, I want to begin by thanking our distinguished chairman, the gentleman from Arizona (Mr. KOLBE), a good friend, who has worked very closely with me, and I appreciate our extremely cooperative relationship. I also want to thank the chairman of our full committee, the gentleman from Florida (Mr. YOUNG). I appreciate the leadership he provides to this committee.

And I want to say at the outset that while Chairman KOLBE and I may differ fundamentally on the adequacy of our allocation he certainly accommodated most of my priorities, and I believe we have a bill that indeed is worthy of Members' support, despite the fact that we had to cut $1.7 billion from the President's request, and I urge my colleagues to support it.

The bill contains $17.1 billion, which is an increase of $900 million over last year, and I generally agree with my chairman on the spending levels recommended for specific accounts within the reduced allocation. We did work together closely to ensure that in the face of devastating cuts we at least level funded Child Survival and Health accounts and increased education as a priority area. We provided funding for reconstruction in Afghanistan, an issue on which the chairman and I have collaborated often in the last year. The bill also funds fully our commitments in the Middle East, a powerful statement at such a critical time in the peace process. And there are many more very positive aspects I will discuss further in a moment.

I do have some concerns as well. At the $17 billion spending level, we as a country will devote less than 1 percent of our GDP to foreign assistance. Actual spending in 2003 for foreign aid will total over $23 billion, including $7.5 billion in emergency supplemental funding for war-related needs in Iraq and Afghanistan. That additional spending sped through Congress without a hint of controversy because it was judged vital to our national security. As the conflict and reconstruction continue in Iraq on parallel tracks, there is a good chance we will need more, and Members should know that there are no funds in this bill to address Iraq reconstruction needs. This means that those additional needs will be addressed in a supplemental, which will undoubtedly also contain billions to fund the defense-related costs of the war and which will again be requested by the President as emergency spending.

I do believe that our response to the HIV/AIDS pandemic is underfunded and should be dealt with as the emergency it is now. In response to the President's extraordinary initiative on HIV/AIDS, Congress overwhelmingly passed and the President signed a bill authorizing $3 billion for fiscal year 2004. While in Africa 2 weeks ago, the President repeatedly touted this $15 billion 5-year plan, and he and his advisers called on Congress to fund it. This created the impression that we the Congress were the obstacle to providing $3 billion, despite the fact that the President himself only requested $2 billion in appropriations.

Now, while I am pleased that this bill provides $1.43 billion for HIV/AIDS and other infectious diseases, we supported the $3 billion authorization on this floor in this Congress, and now the bill has come due. I believe it is disingenuous for us to make promises we have no intention of keeping, and so I offered an amendment at full committee to provide an additional $1 billion for HIV/AIDS as emergency spending. I asked that this amendment be made in order under the rule so every Member of Congress would have the opportunity to fulfill our pledge, but it was not. It is truly a disgrace, in my judgment, that we will not have the opportunity to take this vote today.

Additional resources for Africa are also vitally needed. Everyone is aware of the long history of devastating and destabilizing humanitarian and political crises on that continent. And although this bill will slightly increase resources for Africa above last year, it merely begins to address the ongoing tragedies there. Unfortunately, the amendment of the gentleman from Illinois (Mr. JACKSON) to add emergency resources for Africa was also not made in order.

The sad fact is that we as a Nation have neglected the problems of Africa for decades; chronic poverty, the spread of infectious disease, and lack of good governance remain. And despite all the efforts we have undertaken so far across many Congresses and administrations, we must no longer shy away from addressing these problems with sufficient resources and political will.

It serves no one when the current presidential initiatives are touted as ultimate answers for these tragedies. Both the Millennium Challenge Account, MCA, and the HIV initiative hold the promise of getting increased resources to Africa, but the actual effects they will have remain unclear.

I support the conceptual approach embodied in the proposal to establish a Millennium Challenge Account, however, budget realities we face this year, and will likely face next year, make it highly unlikely that the promise made by the President that the $10 billion intended for the MCA will be additive to current levels of foreign assistance will be kept. Much of the bipartisan support in Congress for the MCA is based on the fact that it is supposed to help the poorest countries of the world and that MCA resources will add to amounts currently spent on foreign assistance. Cuts to discretionary spending in this year's budget resolution, combined with unrealistically low budget requests for many domestic programs, have translated into cuts in this bill of $1.7 billion. This situation is likely to worsen in fiscal year 2005. The President cannot expect Congress to support full funding of the MCA initiative if other vital programs in the foreign operations bill have to be cut.

The bill contains $800 million for the MCA, largely at the insistence of the White House; the Senate bill contains $1 billion for MCA; and the White House is still pushing for the full $1.3 billion requested. It is highly likely that the final allocation for the foreign operations bill will be $1 billion to $1.5 billion below the President's request. Now, in plain English, this means that other accounts in the bill will be cut severely if MCA is fully funded.

Members should also know that only 3 of 11 potentially qualifying countries for MCA resources in 2004 are in Africa. In 2005, of the 12 countries most likely to qualify, again, only 3 are in Africa. In all, after $2 billion over 3 years is provided to the MCA, only a small number are African countries are likely to have benefitted.

I have taken the time in my opening remarks to address this situation because this initiative marks the beginning of a shift in how we in Congress effect foreign aid programming. As we provide more resources for MCA, our ability to direct funds to specific purposes, such as health and education, will diminish significantly. My support for this initiative going forward will thus depend on whether resources going to it are truly additive and whether Congress maintains some measure of control and oversight over country eligibility and program planning.

□ 1545

I am especially proud, and I want to personally thank the gentleman from Arizona for the $350 million in the bill for basic education, which is $100 million above last year's level. In addition, we require a detailed report on how the administration will organize and implement our expanded efforts in basic

education. Virtually everyone I speak to agrees that providing more and more focused resources for basic education throughout the world is one of the best possible ways we can combat the extremism and hopelessness that breed terrorism. I again want to thank the gentleman from Arizona for working with me on what I think is a very critical issue.

The bill also provides an increase in resources for Treasury technical assistance which will help countries that are major source and transit points for terrorist financing close the gaping holes in their financial systems that let this funding slip through.

However, the fact that we took care of administration priorities such as the Millennium Challenge Account and AIDS required that we make some hard choices. As a result, some programs will suffer. There is no funding recommended for debt relief for the Democratic Republic of Congo. Cuts in economic support funds, Eastern Europe, the New Independent States, and development assistance translate into probable cuts to many countries and a limited capacity to restore misguided cuts proposed by the administration to others, including Cyprus, East Timor, Armenia, Ukraine, and Russia.

Mr. Chairman, as a final note, I want to make a few comments about the importance of this bill we consider on the floor today. I have always viewed foreign assistance as one of the three pillars of national security, along with defense and diplomacy. I believe the value of foreign assistance in spreading the ideals of democracy and freedom around the world and in eliminating the poverty that causes widespread instability in developing regions cannot be underestimated. However, except for a handful of notable instances directly linked to front-page current events, it has been difficult to ensure adequate funding for foreign aid priorities. Despite the new Presidential initiatives in this bill, and again I want to congratulate the President on these initiatives, this year, unfortunately, is no different. We still require far more resources than have been made available. I look forward to working with my colleagues in future years to ensure our priorities are adequately funded.

In closing, I once again want to emphasize that I appreciate the close working relationship I have enjoyed with the gentleman from Arizona. He is a distinguished chairman, he is committed to this bill, and it truly has been a pleasure for me to work with our chairman. Considering the obstacles we faced, the product we present today is very good. I look forward to working with him as we move the process forward. I would also like to thank our able staff, Mark Murray, Charlie Flickner, Alice Grant, Scott Gudes, Rob Blair, Lori Maes, Sean Mulvaney, Beth Tritter, and Joe Weinstein, for their hard work.

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

Mr. KOLBE. Mr. Chairman, I am pleased to yield as much time as he may consume to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full committee, who, I must say, along with his staff, has been so supportive of our efforts in getting us to the floor at this stage. I am very grateful for his confidence and his support.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman's comments, and I want to compliment him for having done a tremendous job. This is not the easiest bill to pass because a lot of folks just do not like foreign aid. Period. The chairman has developed a very responsible response to the issues that are facing us around the world. He has done a really good job. I would say that the gentlewoman from New York, as a working partner, has been very much a contributor to the success of this bill.

I hope that we can conclude this bill today. We will see how long it takes. But it would be nice if we could. Although the committee got off to a late start this year, we passed the ninth appropriations bill just about an hour ago, the Commerce-Justice-State Department appropriations bill. This will be the 10th bill that we have passed on the floor despite a late start. As of tomorrow morning, we will have marked up all 13 appropriations bills in the full committee and we completed 11 of last year's bills early this year, and we marked up two supplementals. So the committee has been very effective and very busy this year. This bill is the culmination of a strong effort by the gentleman from Arizona and the gentlewoman from New York to meet the responsibilities that we have in the world. I compliment them. They have done a really good job. I think that they join me in hoping that we can conclude the tenth appropritions bill before it gets too late tonight.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 6½ minutes to the gentleman from Illinois (Mr. JACKSON), a distinguished member of our committee who has made sure that we focus on our priorities every day he is there.

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

Mr. JACKSON of Illinois. Mr. Chairman, first I want to thank the chairman and ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs and the subcommittee staff for their hard work. I think they did a reasonable job, considering the amount of money they had allocated to them.

Mr. Chairman, the President requested $18.8 billion for the accounts that make up the foreign operations bill. Unfortunately, the leadership of the House only gave the bill $17.1 billion. That is where our problems began. From the outset, we were forced into a position of robbing Peter to pay Paul.

The President's top priorities are to fund the Millennium Challenge Account, MCA, and his bilateral HIV/AIDS initiative. To fully fund the MCA and the HIV/AIDS initiative would take up almost 25 percent of this bill's allocation. Leadership and legislating require making tough choices, but that is not the whole story here. We have the ability and the resources to adequately fund these accounts. We have chosen not to. Over the last 3 years, Congress has chosen to provide tax cuts decreasing revenue by $310 billion for the 2004 fiscal year. We have chosen to provide $8.9 billion for a ballistic missile defense system that will not work. We have chosen to ignore the type of rampant poverty, illness and hopelessness in sub-Saharan Africa that create a breeding ground for terrorism.

Africa today, Mr. Chairman, is in a state of emergency. This bill makes a valiant attempt but falls short of addressing this emergency in sub-Saharan Africa. The Congress' approach has been disjointed. In 1999, this Congress said ''trade, not aid'' in the Africa Growth and Opportunity Act, that trade was Africa's future. Today Congress says aid, yes, but aid for AIDS. Africa deserves more than a hodgepodge, disjointed approach to its development. An emergency exists on the continent. Africa is the poorest region of the world, containing a majority of the world's poorest countries. Only one in three people in sub-Saharan Africa get enough to eat every day, and one out of two do not have access to clean drinking water. An emergency.

Only one in three children completes elementary school. An emergency.

Average life expectancy in Africa is just 49 years of age and in countries hardest hit by AIDS, just 30. An emergency.

While poverty has fallen in much of the rest of the world, 20 African countries are poorer today than they were 20 years ago. An emergency.

Overwhelming debt burdens, falling international development assistance levels, the onslaught of AIDS, and a combination of falling prices for Africa's exports and unfair international trade policies are pushing Africa backwards, stealing the gains of a generation of hardworking African people. An emergency.

Africa is now at the epicenter of the greatest catastrophe in recorded human history, the HIV/AIDS pandemic. The gentlewoman from Michigan (Ms. KILPATRICK) will offer an amendment which I hope all Members of this Congress will support to fully fund the President's AIDS initiative. Since its first discovery 2 decades ago, more than 18 million Africans have died of AIDS out of 25 million AIDS deaths worldwide.

All day, Mr. Chairman, we are going to hear Members of the Congress come to the floor and say, We are doing something for AIDS. We are helping the Africans. We are doing something. We are showing something for Africa. But what about this bill addresses the

more than 300 million people in sub-Saharan Africa who survive on under $1 per day? AIDS has nothing to do with that massive economic inequality. Infant and child mortality rates remain high, AIDS notwithstanding; and access to health care and education is shrinking in many countries. Food insecurity is growing, most seriously in southern Africa and in the horn of Africa. Sub-Saharan Africa's massive external debt is the single largest obstacle to the continent's economic development, not the criteria established by the Millennium Challenge Corporation or the Millennium Challenge Account. We will hear other Members of Congress come to the floor and say, The Millennium Challenge Account, the Millennium Challenge Corporation, we are doing something through the MCA. Out of 48 sub-Saharan African countries, only three qualify for the benefits offered by the Millennium Challenge Corporation.

I have laid out many of the statistics about the crisis on the continent, an emergency in Africa. But my colleagues would come and say, We are doing something because we are talking about AIDS. We are not discussing development and growth; we are not talking about a Marshall Plan for Africa. And this bill woefully undermines the amount of resources that this Congress could provide.

Over the past 2 decades, African governments have paid out more in debt service than they have received in development assistance or new loans. My colleagues are going to come to the floor and say, We are doing something for Africa in terms of development assistance and loans. Here is the problem. Too few African countries will be benefiting from U.S. development assistance in the midst of a severe emergency on the continent. The MCA is the equivalent of saying, Africa, do what we want you to do and we will relate to you. But if you do not do what we want you to do, we will have no relationship to you at all in the midst of a profound emergency. Debt repayments divert money directly from spending on basic social needs, including the response to the HIV/AIDS crisis, trapping countries in a cycle of underdevelopment and dependency. From 1990 to 2000, sub-Saharan Africa experienced more than twice the number of casualties from conflict than any other region in the world.

Mr. Chairman, I close on this note. In Sudan, Africa's largest country, civil war has raged for 36 of the last 46 years. It has cost more than 2 million lives and has displaced more than 4 million people. What about this bill does anything to address that problem? Since 1998, the conflict in the Democratic Republic of the Congo has cost an estimated 2 million lives, a holocaust of sorts, most the victim of hunger and disease; and at least another 2 million have been displaced. What about this bill does anything to address that problem?

Mr. Chairman, these are serious problems that require real resources to address them, not just lip service. After general debate, I will offer an amendment that offers a comprehensive approach to addressing this emergency in sub-Saharan Africa.

Mr. KOLBE. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois (Mr. KIRK), an absolutely invaluable member of our subcommittee, extraordinarily knowledgeable and has really contributed to the work of this subcommittee.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank the gentleman from Arizona and the gentlewoman from New York for one thing in particular. They have created a work atmosphere between the two parties on this bill that is the envy of the Committee on Ways and Means. I really take my hat off to both of them. I also wanted to take one moment to talk about the bill we just passed, the Commerce-State-Justice bill, which every Member of this Congress has helped fund the rewards program.

The State Department rewards program is the key program that led to the incident with Uday and Qusay Hussein and their untimely demise. It is this program which sometimes gets down to one basic fact: Who helping the United States wants to be a millionaire? We will pay this $15 million set of rewards, and it is this program that I think gives us the best chance to capture Saddam Hussein.

But turning now to the foreign operations bill, this bill represents a bipartisan decision by the American people since World War II that foreign policy matters, a subcommittee created by the Marshall Plan that is designed to reduce or prevent war and to lower the number of casualties or deployments by the U.S. military around the world. This bill visibly helps us respond to new challenges, Iraq and North Korea, Iran and Liberia, by substantially reducing the chance that the U.S. military will be deployed in other places in support of our allies. And look particularly at the Middle East where the little democracy of Israel has not faced a direct threat to her existence in the 1980s or 1990s, largely because of support from this legislation.

One of the big questions that we face today is funding to support our war against HIV/AIDS. As a staffer in this Congress, I helped start this program in 1987 with a small earmark of $30 million. Since that time, our commitment has grown substantially. If we look in this bill and years prior, what has our commitment to AIDS funding been? In fiscal year 1999, $139 million; in fiscal year 2000, $200 million; in 2001, $415 million; in 2002, $485 million; in 2003, $893 million; and in this bill, $1.27 billion, just in the foreign operations bill, just to fight AIDS, a substantial commitment, one that I am proud having seen in 1987, the start of this program that we have funded.

□ 1600

And it underscores one key point when we take on the commitment to treat someone with HIV, we need to fund a program that can sustain that commitment. If we provide money in ways that are not politically sustainable, we could have some sort of scandal in a provider that would undermine political support for this. That would lead to the international community withdrawing support for an HIV patient. By having a responsible uptick in our support for the fight against AIDS, we are understanding a key point. When we make a commitment to a patient with HIV, we are going to do so in a way that sustains that commitment because success right now in this battle is that this patient will survive, and therefore we need to continue funding our battle. If we do it in an unsustainable way or in an irresponsible way that undermines political support, bad GAO investigations, exposes on the fleecing of America, we will undermine political support. People's lives are at stake here, and that is why doing it in a responsible way, when we make a commitment to a patient we can keep that commitment.

And to the chairman, I really thank him for his personal commitment on the HIV issue because he has really sustained one of the highest ideals.

So when we look at the United States, we have to see what have we done as compared to other countries. The nearest commitment of any other country to the 1.27 billion commitment in this bill is the government of the United Kingdom, which provided $313 million in the fight against AIDS. In fact, the United States gives more money to fight AIDS than all of the European Union and Japan combined. That is a monument to the idealism and foreign policy foresight of the United States. It is underscored in this bill.

And to the chairman and to our ranking minority member I really want to take my hats off to them for sustaining this commitment. Hundreds of thousands of people's lives will be sustained by this, and this ramp-up in just several years from under $139 million to now $1.27 billion is a real testament to our idealism.

I also want to thank the chairman for his commitment to cross-border programs in Tibet. We understand that there are 140,000 Tibetans outside China, 6 million inside China, and this bill sustains a political effort to enhance the authority and role of the Dalai Lama in Tibet, and I really want to thank them because there is no voice for the Tibetans inside China, and this bill underscores that voice and gives them a real role in their own country where an overwhelming number of Tibetans live, and I want to thank the chairman for that.

Mrs. LOWEY. Mr. Chairman, I yield 5 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), distinguished member of the committee.

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Arizona (Chairman KOLBE) for his leadership in steering another bill to committee under difficult times. To the gentlewoman from New York (Mrs. LOWEY), our ranking member, who is committed to the international community and has shown that in the leadership, I thank her for yielding me this time and for crafting a bill that I will support in the end as we go through this debate.

As most Members of Congress know and very few members of the country know, the foreign assistance bill is only 1 percent of the total budget of the United States of America. Our budget is $2.2 trillion, and as the leading power in the world, this foreign assistance bill is not quite 1 percent of that. A good sum and we should be there for the other countries of the world. This budget funds many countries of the world, as was mentioned by our chairperson. Israel, Jordan, and Egypt are fully funded, and I think they should be. Other countries of the world are not so taken care of, and I think we can do better.

At a time when we find the budget shrinking, deficits soaring, and this year we expect a $455 billion deficit at least, we do have to make certain decisions in how we fund our Government, how we fund our domestic programs, how we fund education, health care, housing, and those things that Americans need. So I understand it when some Americans do not understand that we have a responsibility as a superpower in the world to help other countries less fortunate and who are strategic allies to this country of the United States of America. So the budget before us today crafted by both the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) is a good budget. It does have shortcomings, as was mentioned, and I would like to go over a few of those.

The Child Survival and Health account needs to be more fully funded to take care of the problems of the world. We have heard much discussion and we will hear more today about the pandemic of HIV and AIDS. India with over 1 billion people, China with nearly the same or more people, the Caribbean, Russia, and other countries are now finding epidemic proportions of HIV and AIDS. We have servicemen and women in those countries who may be afflicted if we do not act now.

The President was recently in Africa, and I commend him for going. I also commend him for beginning in setting up the Millenium Challenge Account. Any additional foreign assistance that we can give, and the President has shown that he understands this, as the superpower in the world, I believe we must do and I commend him for that.

The HIV/AIDS epidemic is at pandemic proportions. All over this world where our servicemen and women now represent our Nation and in some instances fight to secure the world, we must as the superpower in the world fund this pandemic appropriately and we have not done that. Malaria, tuberculosis, maternal health, family planning we have to step up as the superpower in the world and help those countries as partners in this humane society that we live in. Postnatal care, those kinds of things that help various countries who are less fortunate and who are not able to help themselves, we should be there for them, and many times in this budget we are unable to do that.

Agriculture, in many of those same countries, agriculture is how they not only feed themselves but are able to export their agriculture products, thereby making it a revenue base for their countries. It is our responsibility to join with them in partnership to help them with that. In some instances we do, but I believe that we can do better. The ESF account, the Economic Support Fund, that we also use to help other countries is also underfunded. It could be better and it is less than what the President recommended and less coming out of our budget. Those are just a few areas.

We are the superpower of the world. It is up to us as leaders of the free world to maintain stability around the world where we can, and we must not forget the men and women who risk their lives every day for us, freedom in this country and around the world, to make sure that they have the best health care that they need to sustain themselves and their families.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), my good friend.

Ms. DELAURO. Mr. Chairman, I rise in support of this bill. This bill appropriates $17.1 billion for foreign aid and export assistance, $1.8 billion less than the President requested and $6.5 billion less than what we provided last year. And while I am disappointed that we fall short of the $3 billion that the President promised for combating global AIDS and HIV, I commend the committee for taking the first steps by appropriating $2 billion in fiscal year 2004.

Last year 2.4 million Africans died of AIDS-related illnesses while nearly 30 million continue to live with the disease, irrevocably changing the lives of millions of women and children. I have spent a lot of time in South Africa. I have seen how this devastated this land, and we cannot only take the opportunity to go on trips and take photographs and believe that we are addressing the problems of Africa. Just as we have an opportunity with this bill to make a difference in those lives, to change those lives for the better and to offer some small measure of hope, we have an opportunity to make a real difference in the lives of millions of women and children in this country by extending the child tax credit to them. Six and one half million families, 12 million children were left out of the child tax credit expansion, almost 4 million single mothers, 56 percent of all single parents. Women are experiencing the very worst of the economic slowdown. Average annual earnings of low-income single mothers in decline for 3 years running, the unemployment rate of low-income single mothers rising twice as fast as the overall rate. Single and married women both are less likely than men to receive unemployment benefits to help them through their period of joblessness, and we are nearing a crisis level for these women and their families.

Tax relief is supposed to be about lifting these families up and out of such circumstances. If we extend the child tax credit to these families, they will on average receive $276 in this year alone. To some it might not seem like a lot of money, but $276 can mean all the difference. Health insurance for the 9 million children in this country without health care, clothes on their backs, school supplies. Two hundred thousand military families, 900,000 Head Start families, 42,000 families of those teaching in Head Start were left out. Just as playing a role in the battle against global HIV/AIDS, it is a matter of values, morals, something that we ought to be committed to doing. So is assisting women and the 12 million children in this country who need our help the most.

So we want to call on the President to use his moral leadership to urge this House to accept the other body's bill and bring justice to these families. They deserve it. Let us give them that.

Mr. Chairman, as my colleagues know, we went to conference on the child tax legislation on June 12. It is now July 23. The conference committee has never met.

In light of the fact that 6.5 million American families, including our military families fighting in Iraq and Afghanistan, will not receive their child tax credits when they are mailed out on Friday, I move that the Committee do now rise.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. LOWEY) yield to the gentlewoman from Connecticut (Ms. DELAURO) for the purposes of offering a motion?

Mrs. LOWEY. Mr. Chairman, I yield to the gentlewoman from Connecticut for the purposes of offering a motion.

PREFERENTIAL MOTION OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

RECORDED VOTE

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 318, not voting 33, as follows:

[Roll No. 423]

AYES—84

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berry
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Crowley
Davis (AL)
Davis (IL)
DeFazio
DeLauro
Doggett
Doyle
Eshoo
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Lewis (GA)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Napolitano
Pallone
Pastor
Payne
Pelosi
Rangel
Reyes
Rodriguez
Ross
Rush
Ryan (OH)
Sanchez, Linda T.
Sandlin
Schakowsky
Slaughter
Snyder
Solis
Stark
Stupak
Tanner
Thompson (MS)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Waxman
Woolsey

NOES—318

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hunter
Inslee
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
McNulty
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—33

Berkley
Bishop (UT)
Boozman
Boucher
Case
Culberson
Delahunt
Dingell
Dooley (CA)
Edwards
English
Ferguson
Ford
Frost
Gephardt
Gerlach
Gonzalez
Hulshof
Hyde
Jefferson
Kennedy (RI)
LaTourette
Menendez
Platts
Pryce (OH)
Rothman
Ryun (KS)
Smith (WA)
Sullivan
Tauzin
Thomas
Wamp
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1703

Ms. ROYBAL-ALLARD, and Messrs. BACHUS, INSLEE and COX changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. TERRY). The gentleman from Arizona (Mr. KOLBE) has 12½ minutes remaining. The gentlewoman from New York (Mrs. LOWEY) has 4 minutes remaining.

The gentleman from Arizona (Mr. KOLBE) is recognized.

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

Much time has passed since the gentlewoman from Connecticut (Ms. DELAURO) spoke; but I did want to make one comment about her remarks, and I appreciate her support for the bill. She made a comment about how the level of funding in this bill is significantly less than last year. We need to remember that this is just about $1 billion more than the previous year's regular appropriation bill for foreign assistance. If we are going to consider apples to apples, that is what we need to consider.

We have no idea what level of a supplemental appropriation request we might receive from the President that might be transmitted during the coming year for foreign assistance; but if we are going to consider the regularly funded, basic programs, apples to apples, we need to remind ourselves that we are $1 billion above where we were last year. This is the second largest increase of any subcommittee's allocation. Only the Subcommittee on Homeland Security has a bigger increase than this subcommittee received for its allocation.

So we have been, I think, generously treated; and I think our programs are well funded.

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

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to my distinguished colleague, the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Chairman, I want to commend my colleagues, the gentleman from Arizona (Mr. KOLBE), the chairman, and the gentlewoman from New York (Mrs. LOWEY), the ranking minority member and my good friend, for their work to craft a fair and balanced bill. Representing the most diverse congressional district in the country, I know how important U.S. foreign assistance is to nations around the globe, and I have seen the success of our foreign assistance firsthand.

This is a fair and balanced bill. I thank the chairman and ranking member for supporting priorities of mine, including the Middle East Children's Association and increased money for the International Fund for Ireland, in this legislation.

Mr. Chairman, this is a good bill, but it could be a great bill. The President recently hopscotched around Africa talking about his global HIV/AIDS initiative, which this Congress passed. What he did not talk about, though, was that his request for funding for HIV/AIDS was $1 billion less than the authorizing legislation provided. Think about the lives $1 billion could save.

This bill includes $25 million for the U.N. Population Fund, but we all know that the money has about as much of a chance of being released by this administration as the New York Mets do to win a World Series this year; and this bill continues to mandate the onerous global gag rule which keeps funding away from groups such as Bangladeshi Rural Advancement Committee, or BRAC, and their work to improve child and maternal health. Mr. Chairman, while the administration should fulfill its commitment to fighting HIV/AIDS, support UNFPA and remove the onerous global gag rule.

There is much work in this bill, particularly to be done when we look at the Middle East. The selection of a new prime minister for the Palestinian Authority, along with the concerted effort

of the European Union and Russia, along with Israel, shows that progress can be made in the Middle East.

The support in this bill for Israel, as well as Jordan, a steadfast ally and proponent of stability, is worthwhile. I am encouraged by movements from countries such as UAE, Oman and Qatar to reestablish contact with the Israeli government, and I urge the government of Egypt to make the moves to take what is a cold peace with the Jewish state and turn it into a warmer and deeper relationship.

I also want to take this opportunity on behalf of my colleague, the gentlewoman from Nevada (Ms. BERKLEY), who is unable to be here because of the death of her mother, to express the support she has in this legislation for the State of Israel.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip of the House.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, JULY 23, 2003 No. 110

Senate

(Legislative day of Monday, July 21, 2003)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator God, source of all blessings, fountain of all wisdom, today, let our leaders play their part in doing Your will on Earth. Lord, You know the struggles that confront us, the things we wrestle with that cause us to be anxious and unsure. You know the things we run to, the things we run from, and the things that divide us. We thank You that though You know us completely, You still love us and direct our steps. Today, if our eyes have been closed to Your graces, open them. Give us the courage and the flexibility to make a better world. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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 23, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business for an hour. Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. Yesterday, we made progress, as the Senate was able to dispose of the Byrd amendment with a vote of 43 to 50 on waiving the budget. It is my understanding that this morning, at approximately 10 o'clock, Senator BOXER will be prepared to offer an amendment to the bill. Senator COCHRAN will be here, and it is my hope we can try to reach short time agreements on amendments that are offered as we go forward.

It is our desire to finish this bill today or this evening, if necessary. That would enable the Senate to consider another appropriations measure this week prior to resuming the Energy bill next week. Again, Members should notify the managers of their intention to offer amendments to the Homeland Security bill this morning. The chairman and ranking member would then be able to discuss an order of consideration of these amendments.

With the schedule announced, I will now yield myself time from my allotted time in morning business.

First, let me ask the Democratic leader, through the Chair, if he has any comments on the schedule.

I now yield myself my allotted time in morning business.

UNANIMOUS CONSENT REQUEST—S. 1019

Mr. FRIST. Mr. President, the Laci and Connor Peterson murders in California have brought before the American people a critical question that deserves a response: When a criminal attacks a woman who is pregnant, killing both her and her unborn child, has he killed one victim or two?

I believe the answer is two. Laci Peterson was not the only person killed but her unborn baby, Connor, was also murdered.

Unfortunately, there is a loophole in Federal law that does not permit prosecutors to charge suspects with killing both mother and child. Twenty-seven States have moved to close this loophole in their State laws. Indeed, California is one of those States. That is why State prosecutors have charged Scott Peterson with the deaths of his wife Laci and his son Connor.

I believe it is long past time for the Senate to close this loophole for Federal crimes. We have been working with our friends across the aisle since June 26 to reach an agreement to bring up this bill but so far we have been unsuccessful. But we are not going to give up.

Thus, I ask unanimous consent that, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of calendar item No. 89, S. 1019, the Unborn Victims of Violence Act of 2003, under the following conditions: 2 hours of debate equally divided in the usual form; further, that no amendments be in order and that all points of order be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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waived; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the measure, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The assistant Democratic leader.

Mr. REID. Mr. President, we are very close to a point where we could offer the leader the ability to modify his unanimous consent request. Senator FEINSTEIN, we would ask, would offer an amendment which would be a substitute. Senator MURRAY would offer one on domestic relations, and another Senator would offer one that deals with intent. We think there may be one other amendment, maybe two, that we would be able to enter into. Maybe later today, or probably tomorrow, would be the best time to again renew the request of the majority leader.

At this time we cannot agree; therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. FRIST. Mr. President, we have been working on this very important issue with the other side of the aisle, and it is absolutely critical that we address the issue, we believe, as soon as possible. Therefore, I am very pleased that we are hearing what the nature of the amendments might be. This is the first time I have heard what those amendments could possibly be. I look forward, again, to working to bring this bill to the floor as soon as possible.

I am sorry that my friend from Nevada objects to bringing up this bipartisan bill now. We believe it is a critically important bill that does deserve prompt consideration.

Sharon Rocha, the mother of Laci Peterson and the grandmother of Connor Peterson, has written an eloquent letter asking that the Senate quickly pass this bill, pass this bill as soon as possible.

The House of Representatives, as my colleagues probably know, has passed this very bill twice but the bill keeps being blocked in the Senate.

I know my colleague from Ohio, who is the sponsor of the Unborn Victims of Violence Act, has been working very hard, mentioning to me almost daily the need to get this bill to the floor as soon as possible and to address this important issue.

Thus, I yield to my distinguished colleague from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague.

I am sorry we are not able to bring this bill up today. I hope that what I hear from my colleague from Nevada is encouraging words and that we will be able to get an agreement shortly.

Let me say, as my colleague from Tennessee, the majority leader, has pointed out, that now in over half the States in the Union, if you commit a crime of violence against a pregnant woman and her unborn baby dies, you can be punished for the violence against both the mother and the unborn child.

But the other side of that story is, in roughly half of the States in the Union, they do not have this law, and in the Federal Government we do not have this law. We have been trying to rectify this since 1999, which is the first time I introduced this bill.

My colleague LINDSEY GRAHAM, who is going to speak in a moment, was the leader in the House of Representatives when they passed the bill several times in the past. So, this is not something that just came up in the last few months.

Let me make a couple comments before I yield to my colleague. First, this has nothing to do with abortion. We have a very specific exception in this bill in very definite language that states it has nothing to do with abortion. You can't write it any clearer or any plainer than we have written the language.

Second, let me give an example that will show the compelling need for this bill. Even though over half of the States now have very similar legislation, consider this situation. Assume that an airman stationed at Dover Air Force Base in Delaware attacks a pregnant woman—his girlfriend, wife, someone he doesn't know. Assume his intent is to terminate her pregnancy and he savagely beats her with a specific intent to terminate that pregnancy. Assume that, in fact, that is what happens, and the child does, in fact, die. Under current Federal law, the only thing the Federal prosecutor could charge him with is the assault against the mother. The reason for that is there is no Federal law such as the one we are talking about, and Delaware does not have a law.

That is not right. That is not justice. We need to say that is not right. We need to close that loophole because everyone in this country, I believe, recognizes there is a second victim, and it is not just, it is not right that that child should not be recognized as a victim. And there is no one in this country who believes that man should walk away with the only charge against him being a simple assault.

We had a case in Ohio a few years ago that turned out differently. It was a tragic case, but at least justice was done. It was the exact same case—a man was stationed at Wright-Patterson Air Force Base, an airman, had a pregnant girlfriend. He decided that he was going to end her pregnancy. He savagely beat her, terminated her pregnancy. She aborted and lost her child. The Federal prosecutor gets the tragic case and finds out there is no Federal law that says he can charge. He looks around and says: What am I going to do? Fortunately, Ohio had just passed a law similar to this. So under the Federal assimilative law he was able to assimilate the Ohio law into the Federal code and was able to charge him with the murder of the child. But in those States, those 23 States that do not have that, if that Air Force base had been located in any of those States, justice would not have been done.

What we are saying is, it is time for there to be justice. It is time for there to be a Federal law. This law simply recognizes what every person in this country understands that there is, in fact, a second victim.

I yield back to the majority leader.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I thank my distinguished colleague from Ohio for his longstanding leadership on this particular issue. We all know the issue has been highlighted by the recent tragic events with the Peterson family. Again, both my distinguished colleague from Ohio, as well as another colleague I will turn to shortly, have been at this a long time. We appreciate their leadership and look forward to addressing this issue on the Senate floor when we have that opportunity.

I would now like to turn to my colleague from South Carolina, the champion of this bill when he was in the House of Representatives before coming to the Senate.

I yield to my friend from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I thank the majority leader and publicly acknowledge all the hard work on his behalf, working with my colleagues on the Democratic side. Senator FRIST has been very responsive, trying to get this bill up for a vote, and it seems we are making progress. In terms of our leadership, I could not be more pleased with the efforts he has made to fill in this gap.

The Laci Peterson case probably explains the dynamic better than I could ever explain it. However, there has been an ongoing fight to fix this problem of the Federal law for many years. Senator DEWINE has been the champion of this bill in the Senate. When I first introduced it in the House, in the 106th Congress, it passed by 254 votes to 172 with over 50 Democratic Members. A lot of pro-choice people voted for the bill because America does divide on a woman's right to choose evenly. But when you ask Americans if a woman chooses to have the child and that child is harmed while she is pregnant through criminal assault, about 80 percent of Americans, Democrats and Republicans, say together that the criminal should be prosecuted for both events, damage to the mother and the child.

There is a lot of bipartisan support for this bill. It passed in the 106th Congress in the House, 107th Congress in the House with over 250 votes, with Democrats and Republicans, pro-choice, pro-life people coming together. Senator DEWINE has been an advocate for this bill since it originated. I thank him.

The reason we need this bill is because there are more events such as this than you would want to believe where people attack pregnant women, causing them to lose their child, and in a certain class of cases where the Federal jurisdiction is the exclusive form of prosecution, there is no right under Federal law for a prosecutor to go after the harm done to the unborn child.

In the Oklahoma City bombing case there was a lady working for the DEA. She was a secretary, Carrie Lenz. On the day of the bombing, she came to work early to show her coworkers an ultrasound picture of her unborn child, Michael Lenz III. She was showing her coworkers the ultrasound picture and the building blew up, killing her and her child. In the House when we were doing hearings on this bill, the father, Michael Lenz, came to testify. He told us in very emotional, eloquent terms that that day he lost two things. He lost his son Michael James Lenz III and he lost his wife. If this law had existed, the prosecutor would have been able to prosecute Timothy McVeigh for two acts of violence, not one.

We need this bill. Unfortunately, these events do happen. And when they do happen, most Americans, a high percentage in polling, Democrats and Republicans in the House and I do believe in the Senate, would want the full weight of the law to go against defenders who attack pregnant women. I believe this bill will be signed by the President because he said he would sign it. I know it will pass the House. If we can get a vote in the Senate, it will pass the Senate with a strong bipartisan vote.

I thank Senator FRIST for pushing this measure, and I hope we can accommodate our friends on the Democratic side to get a vote on this bill so that we can do something that will be very positive in this Congress, and that is make sure the people who attack pregnant women get whacked as hard as we can whack them.

Mr. FRIST. Mr. President, in closing, I look forward to working with the Democratic leadership in terms of bringing this to the floor of the Senate as soon as possible. It really does boil down to the fundamental question of when a criminal attacks a pregnant woman, killing both the woman and her unborn child, has there been one or two victims? That is what this legislation addresses in a very direct fashion.

Mr. President, I ask that my following remarks be taken from leader time.

The ACTING PRESIDENT pro tempore. The leader has that right.

A REMARKABLE NEWS DAY

Mr. FRIST. Mr. President, yesterday was a remarkable day in many, many ways. Private First Class Lynch returned to her home after so many weeks and months away. She is a true American hero. We had Ambassador Jerry Bremer brief 65 Senators yesterday on the real progress being made in Iraq and on the reconstruction and reconstitution that is going on there.

Then we had the news that began late in the morning, and was confirmed in the afternoon, that Saddam's two sons, Uday and Qusay, have been eliminated as threats to Iraqi freedom.

It was truly a remarkable day. We are driven by headlines so much. They influence us in such a direct way. As we looked at these three sequences of events, you could not help but feel pride and optimism as we move forward in this fight for freedom around the world.

We do greet the news yesterday, with the elimination of Saddam's two sons, with pride and with respect—respect for our troops, for our military men and women who have devoted their lives and demonstrated an unmatched professionalism and maturity. It is clear—we have no doubt—that we have waged a just war, that the bloody tyrant Saddam Hussein has been defeated; that Iraq is better without Saddam and his diabolical offspring terrorizing and murdering the Iraqi people; and indeed America is better off without Saddam Hussein and his murderous cabal that had been in power, which clearly sat back and had plans and carried out terror and domination and mass murder.

It is a tough road. In talking to Ambassador Bremer, it is clear that our reconstruction and capturing what we know this is all about, which is in the words ''Operation Iraqi Freedom''—it is freedom that we have fought for and that we continue to fight for. This will continue to take time and patience. It will continue to take resources from this body. But for the first time in 30 years, the Iraqi people are free to live without fear and without tyranny. They are participating for the first time in 30 years in the planning and the future of their own government.

Indeed our hearts go out to the families who have lost loved ones on the battlefield and who continue to lose them in this effort. Each day it seems we are greeted with another distressing story of a Baathist attack. We are entitled to feel this grief and, indeed, this frustration. But in honor and respect for the individuals who have given their lives, and who continue to give their lives to protect our freedom, we must remain resolute. We must keep pressing forward. We cannot let that headline of the day dictate our overall policy.

Our President and our troops are out protecting the security of our Nation, and we are leading at the same time another nation in a systematically planned, strategic, organized way to freedom. In so doing, we are making ourselves and future generations more secure.

We will succeed. It will take patience. It will take determination. It will take resolve. It takes all of that to bring our enemies to justice. It takes all of that to free the Iraqi people. It takes all of that to help protect the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until the hour of 10 a.m., with the first 15 minutes under the control of the majority leader or his designee, the next 15 minutes under the control of the Senator from Texas, Mrs. HUTCHISON or her designee, and the final 30 minutes under the control of the minority leader or his designee.

The Senator from Minnesota is recognized.

DISSENT IN AMERICA

Mr. COLEMAN. Mr. President, as the majority leader noted, yesterday was a remarkable day. I had a chance to listen to Ambassador Bremer. As a former mayor, I understand how difficult it is to have cities function—electricity, water, and other challenges, kind of the basics. I marvel at the challenge that Ambassador Bremer is facing.

The good news is that we are making tremendous progress in Iraq. Yesterday was a good day because two of Saddam's diabolical offspring, as the majority leader said, are dead. It is kind of strange to say that the death of any individual is a great thing. But here we are talking about the most brutish, thuggish, reprehensible individuals who terrorized those with whom they came into contact. There were celebrations in the streets of Baghdad yesterday with news of the death of Saddam's sons.

So in this time of good news, yet at the same time that American lives are being lost, that the path to liberation of Iraq and ultimately freedom and democracy and greater stability in that region is a difficult one, I think it is important to come to the floor of the Senate to reaffirm the justice and purpose of American and coalition efforts in Iraq. My only regret is that it is necessary to do so.

We have a great tradition of dissent in America, and we need people to ask the tough questions. But just because we value dissent doesn't make that dissent right or just. At a time when lives are being risked and lost, when America and her friends are trying to do something which is both very difficult and supremely important, this is a moment where unity should be at a premium.

Yet out on the campaign trail we are observing a mixture of Monday morning quarterbacking, political opportunism, and media exaggeration which

threaten to deprive us of perspective and resolve when we need it most.

America came into its own as a major player on the world stage at the beginning of the 20th century, in part because of the leadership of a great American President, Theodore Roosevelt. As we consider our role in our new century, I think it is important to reflect on some words from Theodore Roosevelt. He said:

> It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweet and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause. . . .

Let me reiterate the worthiness of the cause we have undertaken. We live in a world where we are more connected than we ever imagined we could be. The benefits of globalization to consumers and impoverished millions are clear. But so are the risks. September 11 showed us how vulnerable we are and reduced our acceptable tolerance level for brutal leaders who wish to harm our people.

Saddam Hussein's danger to his neighbors, the Middle East region, and the world has been an unquestioned assumption of American foreign policy for more than a decade. He flaunted the authority of the world community and the United Nations, ignoring 17 solemn resolutions directed against his regime. He failed to account for 30,000 liters of biological toxins, 3.9 tons of nerve agents, and tens of thousands of munitions capable of delivering them against targets. He aggressively pursued nuclear weapons. The Israelis wiped out an Iraqi nuclear function in 1981.

In 1991 and after the gulf war, we found solid evidence of him attempting to pursue nuclear weapons. He harbored and supported terrorists. He destroyed the lives of hundreds of thousands of his own people. He ruthlessly cannibalized the assets and resources of the Iraqi people to support his tyranny and lavish lifestyle.

Some people shy away from the term ''evil,'' but I would ask them: Is there any form of evil that is not part of the confirmed record of Saddam Hussein?

To rid the world of a person such as this and a regime such as this—an evil regime, an evil person—is ultimately just and wise and the right thing to do.

Do the critics dispute this? Not directly. They criticize the means to that end. They support our troops but not the military leaders or their stated mission. They support protecting American interests but not in this particular way on this timetable or at this cost. They want results, but they want them more quickly and at lesser or no cost. But at some point, endlessly criticizing the means calls the ends into question.

The flow of the argument has been interesting. Before the war began, this was an impossible, protracted war against devoted Iraqi forces. When there was early success, the argument shifted to criticize that the war would take months rather than days, and now with the hard work of rebuilding the country—not from American war damage but from decades of Saddam's economic devastation—the focus is on what was said and understood and communicated before the war began. It reflects an attention span and a degree of patience measured out in new cycles.

Part of Saddam's evil is deception and the desire to humiliate us. To give him credibility—''maybe he didn't have weapons of mass destruction''—and then question our own leaders is ludicrous. Can we actually question the justification of this war because we have not yet found weapons of mass destruction in a matter of months that a master of deception had years to hide in an area the size of California?

My question to the critics is simple: What is your alternative? We live in the real world, not a Hollywood stage. There are evil people who want nothing more than to destroy us, and they understand only the language of force. They will not rest while we sit around saying: If only . . . if only . . . if only . . . if only.

Last night I had a wonderful conversation with Mayor Kevin Finnegan of West St. Paul, MN. He has a son and a daughter-in-law serving in Iraq. His message to me was simple: We need, Senator, to stay the course, to keep our eye on the ball. We have rid the world of Saddam's leadership. Let's work for democracy and stability in Iraq.

The more we talk about weapons of mass destruction, the harder it is to achieve our ultimate underlying objective: the liberation of Iraq.

In the real world, there are choices to be made, challenges to be dealt with, and burdens to be carried. This is not a game with a reset button. America must stay the course. To pull out now would be a victory for terrorists of unimagined proportions. We must stay the course to show our resolve. And yet every loss of life for an American service person is a tragedy, but we should not fail to recognize those lives are not being lost in vain.

From the devastation and corruption of Saddam's reign, freedom and order are being restored. When we understand the depths to which he took that society, we recognize the time it will take to bring it back. Murderers, thugs, and terrorists owned the streets of a whole nation. Slowly but surely, we are prying them loose from their bloody hands.

There is a city council now in Baghdad, and yet as a former mayor, I ask the question: Haven't they suffered enough? But there is democracy coming back to Iraq. Winning the peace will take longer than winning the war, but victory will be ours. The great victors will not only be the Iraqi people but children of the whole world who will grow up in a more peaceful century because we saw our duty and stuck to it until we finished the job.

Prime Minister Blair gave us a rare and beautiful insight on our role at this time. It was an honor for me to be in that Chamber. It is a moment as a freshman Senator that I will never forget. It is important to reflect. He said:

> And I know it's hard on America, and in some corner in this vast country, out in Nevada or Idaho—

He could have inserted Minnesota or New Hampshire—

> or these places I've never been to, but always wanted to go, I know out there there's a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country: Why me? And why us? And why America? And the only answer is: Because destiny put you in this place in history, in this moment in time and the task is yours to do.

Let's pull together, recognize the realities we face, commit for the long and difficult haul ahead, and move forward. Nothing worthwhile is easy, but it never has been for America.

I applaud our young men and women who are on the front lines, who are doing the hard work for all of us, but we will all benefit from their efforts.

I thank the Chair, and I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILD TAX CREDIT

Mr. BAUCUS. Mr. President, it has been 48 days since the Senate passed the Lincoln-Snowe bill to provide child tax credit to the families of 12 million children. Twelve million, Mr. President, is not a small number of children in America. The House then passed a different child tax credit bill.

Thirty-five days ago, the Senate appointed conferees to work out the differences between the two bills—35 days—and the conference has yet to hold its first meeting.

On July 25, just 2 business days from today, many families will begin receiving checks for the increased child tax credit, but millions of families will find their mailboxes empty. Why? Millions who hoped for such a credit will not receive it. Why? Because the conference has not met and the House has not agreed to the Senate provision. The Lincoln-Snowe bill, however, would ensure that these families are not left behind. In 2 working days, the House plans to adjourn for the remainder of the summer, not addressing this important question. We must, rather, send a bill to the President before that time

so that millions of children can receive the benefit.

Just a few years ago, in 2001, the President brought a tax reduction proposal to Congress. The proposal was based upon the premise that taxpayers across the board were paying too much of their income in taxes. The President included the working poor, citing extremely high marginal rates. At the time, the working poor faced marginal rates above 50 percent, among the highest marginal rates faced by any taxpayer.

What does that really mean? That means that for the working poor, with their marginal rates above 50 percent, for every extra dollar that a person in that category earned, more than half of that would be taxed, and less than half would then be kept by the taxpayer. That is the effect of the high marginal rate of the working poor.

The President's economic advisers called this an ''egregious problem'' in our Tax Code. On the campaign trail, candidate George Bush pledged that, ''lowering these barriers to the middle class'' was one of his top priorities.

I worked with the President in 2001 to reduce the marginal rates for working Americans. I think he was right. The bill we enacted included marginal rate cuts for taxpayers across the board. It also included two provisions specifically targeted at reducing the marginal rate for low-income workers. First, it reduced the lowest marginal rate; that is, the tax paid on the first dollar of taxable income from 15 percent to 10 percent. Second, it made the child tax credit partially refundable for working families. Currently, the child credit is refundable up to 10 percent for a family's income above $10,500. In 2005, this amount is set to increase to 15 percent, up from 10 percent.

The marginal rates for working taxpayers are less than they were before the 2001 bill was passed, and they will be less in 2005. I believe, frankly, we should do more.

Under current law, taxpayers in the lower income brackets face marginal rates as high as 46 percent, as represented by this chart. That is, under current law taxpayers in the lower income brackets face marginal rates as high as 46 percent. This chart shows that for a married couple with two children, with an income of $27,000, the marginal rate is 46 percent. Compare that with the marginal rate of higher income Americans. For a family with two children, a family of four, with $100,000 of income, the marginal rate is only 28 percent. That is, the Government takes 28 cents of the next dollar earned by a family in the $100,000 income bracket.

Correspondingly, it rises as the income rises but not much, and still not nearly as high as a working family with $27,000 total income. Their marginal rate is 46 percent. It is much higher than the marginal rate is for higher income Americans.

So let's take an example. A family of four making $27,000, that is about 150 percent of poverty. What happens to that family? If they earn an additional dollar of income, they lose 21 cents of the earned-income tax credit they receive. They lose it because of the phaseout of the earned-income tax credit. They pay payroll taxes of 15 cents if we include both shares of the payroll taxes, as most economists do. And they pay 10 cents in Federal income tax. This adds up to a marginal rate of 46 percent for a family of four earning $27,000. This is how it is broken down: Income tax, 10 percent; payroll tax, 15 percent; and because of the way the Tax Code works, and the earned-income tax credit phases out, that amounts to a 21-percent marginal rate that taxpayer has to pay. So for every additional dollar this family makes, they keep only 54 cents. Forty-six cents on every additional dollar made goes to the Federal Government. We are not even talking about State taxes. We are just talking about Federal taxes. So State taxes could be a lot more.

How does this compare with other taxpayers? This family making $27,000 faces a higher marginal rate today than a similar family making $100,000, $150,000, or $200,000 as shown by the same chart shown earlier. It is very clear that lower income persons pay higher marginal tax rates. In fact, this family has a marginal rate that is higher than the wealthiest taxpayers in America, if my colleagues can believe that.

If we are supposed to be encouraging people to work, logically lower income Americans would have a lower marginal rate because we want to encourage people, particularly in that category, to earn an extra dollar. But our Tax Code is so perverse it causes the reverse result. It is far higher than the corporate rate of 35 percent.

Just think of that. I do not think many people know that. That is, lower income working families, families with a $27,000 income, pay a higher marginal rate than corporations do. I do not think most Americans know that, and if most Americans did, they would think that is not right. Hence, many of us are today urging the Congress, urging the other side of the aisle in particular, to work with the House and pass a child tax credit in the remaining 2 days before the House adjourns for the summer recess.

Senators LINCOLN and SNOWE deserve a lot of credit. They have led the effort to reduce the marginal rates for working families. They began in 2001 when they fought to ensure that low-income working families would be able to receive a refundable child credit, and they are now fighting to ensure that these families receive the full child tax credit today.

I will explain how the refundable child credit reduces the marginal rate for working families. Let's take a family of four making $22,000. Without the refundable child credit, their marginal rate would be 36 percent. The current credit, which is 10 percent refundable, brings their marginal rate down to 26 percent. In 2005, the refundability of the child credit will increase to 15 percent. This family's marginal rate will then go down to 21 percent, from 26 percent.

We have all heard the argument for immediate tax relief: If tax relief is good enough in a few years, it is good enough today. We have heard it constantly. It is a constant refrain in this body. This was the theory behind President Bush's jobs and growth package, which accelerated marginal rate reductions for millions of taxpayers, including those making $100,000, $200,000, or even $1 million. For a family making $100,000, the marginal income and payroll tax rate was reduced in that package from 30 percent to 28 percent. For the family making $200,000, the rate was reduced again from 38 percent to 36 percent, and for millionaires the rate was reduced from almost 42 percent to 38 percent.

The provision that would have reduced the marginal rate for low-income working families, that is the increase in child tax credit refundability, was specifically excluded from the final bill. If marginal rate reductions are good enough for the wealthy today, are they not good enough for the working poor? The answer from the Senate was a resounding yes. The Lincoln-Snowe bill to reduce marginal rates for the working poor immediately passed the Senate almost unanimously.

The marginal rates for the low-income working families are still too high. Passing the Lincoln-Snowe bill is an improvement. This improvement will provide additional incentives to work and earn the extra dollar, which is basically what tax reduction is all about, and it would shrink what the President has called barriers to the middle class.

We have 2 working days left, 2 days to convene this conference, work out our differences, send this bill to the President; 2 days to ensure that low-income working families receive the same tax relief that is promised to the rest of America's families, and 2 days remaining to ensure we fix this problem. Even President Bush agrees this is an egregious problem in the Tax Code. I strenuously urge us to put politics aside and do what is right and convene this conference committee. Let's get this passed in the next 2 days before the House adjourns for the summer.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be equally divided on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the status of the floor situation?

The PRESIDING OFFICER. The Senate is in a period of morning business. The minority controls 13½ minutes and the majority controls 1 minute.

Mr. BAUCUS. How much time would the Senator like?

Mr. HARKIN. Ten minutes.

Mr. MCCONNELL. Parliamentary inquiry: Is there an agreement under which the Senator from Kentucky should be recognized at 10 a.m.?

The PRESIDING OFFICER. There is no order at this time.

Mr. MCCONNELL. How long will the Senator from Iowa speak?

Mr. HARKIN. Ten minutes.

Mr. MCCONNELL. I ask unanimous consent I be allowed to follow the Senator from Iowa.

Mr. BAUCUS. Reserving the right to object, would the Chair inform the Senate of the present parliamentary situation?

The PRESIDING OFFICER. The Senate is in a period of morning business. The majority controls 13½ minutes—12½ minutes now, and the minority controls 1 minute.

Mr. BAUCUS. I ask if the Senator could perhaps yield until after we complete morning business. It is possible others may want to speak on the subject set aside for this morning during morning business.

Mr. MCCONNELL. I simply ask unanimous consent I be allowed to speak for 10 minutes as in morning business immediately following the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT

Mr. HARKIN. Mr. President, I have come to the Senate floor on a number of occasions concerning the exploding deficits being built up by this administration, as well as the very poor performance of the national economy since this administration took office. The recent Office of Management and Budget, OMB, projections are especially noteworthy.

We now see the White House foresees a 5-year debt increase of $1.9 trillion, a record $455 billion deficit this year, a $475 billion deficit next year. Each of those numbers signifies a terrible record of performance and record-setting deficits. With each report the deficits get deeper and deeper. Next year's $475 billion deficit represents over $1,600 for every man, woman, and child in America. That is the equivalent of adding to each citizen's credit card $1,600 upon which we will be required to pay interest year after year after year ad infinitum.

In the past 3 years, we have seen the worst record of job creation since the Presidency of Herbert Hoover, with over 3 million jobs lost. This is the only administration in 70 years with a decline in private sector jobs. Long-term unemployment has tripled. We are in the slowest economic growth in over 50 years. And one other item: A huge drop in the value of pensions. A $100,000 pension invested in Standard & Poors stocks at the beginning of this administration is now worth $26,000 less.

We do not hear a lot of talk from the administration, at least openly, about privatizing Social Security any longer. Just think, if you are just getting ready to retire, and this administration's privatization policies for Social Security had been in effect, and you had $100,000 in your pension funds in something that everyone believed would be very safe, it would now be worth $74,000. You would have lost $26,000 in 3 years. That is why I have said this administration is committing economic malpractice. It is economic malpractice at its worst. We keep hearing about medical malpractice, but this is economic malpractice because for the long term we face millions of retiring baby boomers and large increases in Social Security and Medicare. We have a great need to invest in the education of our children and to protect our children with homeland security. But this administration has one answer to all our problems: More tax cuts for the wealthy.

I think it is worth looking at history. Faced with high unemployment, President Franklin Roosevelt said to Congress on May 24, 1937:

> We know that overwork and underpay do not increase the national income when a large portion of our workers remain unemployed. Reasonable and flexible use of the long-established right of Government to set and change working hours can, I hope, decrease unemployment in those groups in which unemployment today principally exists.

Those are the words of President Franklin Roosevelt in 1937.

So what did Congress do? Congress passed time-and-a-half pay for overtime to increase jobs. Yet, faced with rising unemployment, this President wants to take away time-and-a-half from millions of Americans who receive a higher income because of it. This President, through the promulgation of new rules and regulations, wants to remove the incentive that overtime pay provides to employers to hire more workers. This is an anti-job-growth policy. In fact, this President threatened to veto a House appropriations bill if that bill said no to cutting time-and-a-half for overtime—again, economic malpractice.

The President's OMB Director says the projected budgets are ''manageable.'' But when we look at the operating budget for next year, using OMB's own numbers, we face a deficit equal to 5.7 percent of our GDP, our gross domestic product, the second largest since 1946.

These are the budget deficits expected just for the next few years. In 2000, as we can see, we had budget surpluses. During the 1990s, we paid off our debts, we had wise tax-and-spend policies, and we built up a surplus. That surplus was intended to be used to pay off our debt to provide for security for those who are going to be retiring very soon.

Now, because of the economic malpractice of this administration, the forecast is for even bigger deficits than what we have had in the past, going on into the future with no end in sight. So the President's policies eat up all the reserves we were going to use for Social Security and they have turned them into debt.

Under this President's program, these explosive deficits just keep going on and on and they keep getting worse. We tried this supply-side economic tax policy in 1981, and both the deficits and unemployment skyrocketed, resulting in our prior deficit record.

In 1993, we tried to reverse supply-side policies. I just might note for the record, every Republican in the Senate and every Republican in the House voted no. They all predicted economic disaster. Instead, we got out of the hole and we got into record surpluses. Unemployment dropped year after year, wealth increased all over America, average people saw their incomes rise.

So when this President came into office in 2001, what did he do? He pushed a huge tax cut primarily aimed at the wealthy. Deficits skyrocketed, jobs were lost, and the unemployed stayed that way for longer and longer. In 2003, it is a repeat of what they did in 2001—economic malpractice.

On February 12, Mr. Greenspan said:

> There's no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy unless attended.

We are not attending to it. In fact, what is happening with this administration is that it is getting worse, the deficits are getting bigger. On July 16, Mr. Greenspan said:

> There is no question that if you run substantial and excessive deficits over time, you are draining savings from the private sector, and other things being equal, you do clearly undercut the growth rate of the economy.

That is what is happening.

Some on the right say they have a way to reduce the deficit that will grow larger and larger. They say reform Social Security and Medicare. What they mean is, by privatizing it, cut Social Security, cut Medicare, cut them deeply. They see too much being spent on our children's education. They think that ought to be cut, too.

I have an alternative view. I think the economic malpractice of this administration and supply-side economics must end and we have to return to economic sanity in this country. Look at those who are unemployed for 3 months, 6 months, a year—hurt economically, families hurt, marriages destroyed, futures lost. Look at our African-American community and the Hispanic community, which are suffering huge unemployment levels. Look at teenagers who cannot find jobs and

wonder how they are going to be able to afford rising college tuition, which in many cases has doubled in the last couple of years. Look at the disabled who are being fired to cut health care insurance, and they are not being rehired and people are not reaching out the hand to hire people with disabilities because of the rising cost of health insurance, and the pressures are growing to cut Social Security and Medicare as these deficits grow.

Only an ideologue who thinks of shrinking Government, whatever the cost, could possibly think we are on the right path. As Congressman SPRATT in the House has said of the policies of this President and what the Congress is now following:

> There seems to be no shame, no shock, and no solution.

We must reject these policies. We must reject the economic malpractice of this administration and move back to economic sanity in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Kentucky is recognized.

THE DEATH OF QUSAY AND UDAY HUSSEIN

Mr. MCCONNELL. Mr. President, normally in our country we don't applaud the death of anyone. We value life greatly. But today we do indeed applaud the death, the removal, of two of the most vicious criminals who ever lived. Yesterday we heard confirmation that the 101st Airborne—I can proudly say headquartered in Fort Campbell, KY—in a raid on a house in Mosul, killed Uday and Qusay Hussein, two of the biggest monsters who ever walked the face of the Earth.

Mr. President, I ask unanimous consent that two Associated Press obituaries be printed in the RECORD at this point, but I want to take a look at those obituaries because I think they tell you a lot about what this war was all about.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ODAI HUSSEIN, OLDEST SON OF SADDAM

BAGHDAD, IRAQ.—Odai Hussein, the murderous and erratic oldest son of Saddam Hussein, controlled propaganda in Iraq and allegedly oversaw the torture of athletes who failed to perform.

The 39-year-old is No. 3 on the list of 55 most-wanted men from the former Iraqi regime—only Saddam and younger brother Qusai ranked higher. The three also are on a U.S. list of former regime members who could be tried for war crimes.

As head of the paramilitary Fedayeen Saddam paramilitary unit, Odai helped his father eliminate opponents and exert iron-fisted control over Iraq's 25 million people. The eldest of Saddam's five children, Odai was elected to parliament in 1999 with a reported 99 percent of the vote, but he rarely attended parliament sessions.

Iraqi exiles say Odai murdered at will and tortured with zeal, and routinely ordered his guards to snatch young women off the street so he could rape them. The London-based human-rights group Indict said Odai ordered prisoners to be dropped into acid baths as punishment.

The Caligula-like Odai seemed proud of his reputation and called himself Abu Sarhan, an Arabic term for ''wolf.''

But his tendency toward erratic brutality even exasperated Saddam, who temporarily banished Odai to Switzerland after the younger Hussein killed one of his father's favorite bodyguards in 1988.

The bodyguard, a young man named Kamel Gegeo, arranged trysts for the Iraqi president—notably with one woman who later became Saddam's second wife. Worried that his father's relationship with the woman could threaten his own position as heir, Odai beat Gegeo to death with a club in full view of guests at a high-society party, according to some reports. Other reports said Odai killed Gegeo with an electric carving knife.

Odai has once been a strong candidate to succeed his father, but he was badly injured in 1996 in an assassination attempt by gunmen who opened fire as he drove his red Porsche through Baghdad. The attack left Odai with a bullet in his spine that forced him to walk with a cane. Younger brother Qusai was instead groomed to succeed Saddam, worsening already uneasy relations between the two brothers.

Odai owned Iraq's most widely circulated daily newspaper, Babil, which he used as a platform for regime propaganda, published signed editorials full of bombastic rhetoric. He also oversaw Al-Zawra, a weekly published by the journalists union that he headed, and owned the popular Youth TV.

Much of Odai's notoriety abroad stemmed from his position as head of the National Iraqi Olympic Committee, which was accused of torturing and jailing athletes.

The London-based human rights group Indict said the committee once made a group of track athletes crawl on newly poured asphalt while they were beaten and threw some of them off a bridge. Indict also said Odai ran a special prison for athletes who offended him. The International Olympic Committee in Lausanne, Switzerland, said earlier this year that it was investigating the allegations.

One defector told Indict that jailed soccer players were forced to kick a concrete ball after failing to reach the 1994 World Cup finals. Another defector said athletes were dragged through a gravel pit and then dunked in a sewage tank so infection would set in.

Army officers also were fair game for Odai's outbursts of violence. In 1983, Odai reportedly bashed an army officer unconscious when the man refused to allow Odai to dance with his wife. The officer later died. Odai also shot an army officer who did not salute him.

Things were hardly better on the family front, where relations between Odai and his uncles were especially bad. Oadi reportedly divorced the daughter of one uncle, Barzan Ibrahim Hasan, in 1995 after she complained of being beaten. Odai shot and wounded another uncle, Watban Ibrahim Hasan. Both uncles were captured after the war and are in the custody of U.S. coalition forces.

While millions of Iraqis suffered dire poverty, Odai lived a life of fast cars, expensive liquor and easy women. When U.S. troops captured his mansion in Baghdad, they found a personal zoo with lions and cheetahs, an underground parking garage for his collection of luxury cars, Cuban cigars with his name on the wrapper, and $1 million in fine wines, liquor—and even heroin.

Odai's obsession with sex was evident everywhere: The house was adorned with paintings of naked women and photographs of prostitutes taken off the Internet, complete with handwritten ratings of each.

There were bags and boxes of pills and medicines everywhere—ginseng sexual fortifiers, heartburn medication, the anti-depressant Prozac—and an Accu-Rite HIV Antibodies Screening Test Kit was in Odai's office.

Nearby was a domed house believed to be the residence of Odai's concubines, a bastion of bad taste with statuettes of couples in foreplay, couches with fluffy pillows and a swimming pool with a bar.

QUSAI HUSSEIN, YOUNGER SON OF SADDAM

BAGHDAD, IRAQ.—Qusai Hussein, Saddam Hussein's younger son, held wide-ranging powers over the nation's ruthless security apparatus that made him one of the most feared men in Iraq.

Qusai is No. 2 on the U.S.-led coalition forces' list of the 55 most wanted men from the former Iraqi regime, behind only Saddam himself. He is also on a Bush administration list of former Iraqi regime members who could be tried for war crimes.

Quiet, handsome and every bit as brutal as Saddam, the 37-year-old Qusai headed Iraq's intelligence and security services, his father's personal security force and the Republican Guard, an elite force of 80,000 soldiers responsible for defending Baghdad.

He stayed out of the public eye and led a substantially more subdued private life than his older brother Odai, who collected luxury cars by the hundreds and had a habit of ordering his guards to snatch young women off the street in order to rape them. Iraqis nicknamed Qusai ''The Snake'' for his bloodthirsty but low-profile manner.

Qusai was far more trusted by his father and appeared to be his heir before the regime crumbled. In televised meeting with top security and military men, Qusai was seated next to his father, wearing well-tailored suits and dutifully noting his father's every word.

An exiled dissident told The Associated Press that only Qusai and Saddam's private secretary, Abid Hamid Mahmud al-Tikriti, who was captured in June, were kept informed of Saddam's whereabouts. Odai was thought to be too reckless to be trusted with such information.

Experts do not believe Qusai played a significant role in the Gulf War of 1991. But he was a leading figure of terror in the conflict's aftermath, using mass executions and torture to crush the Shiite Muslim uprising after that war.

Qusai also helped engineer the destruction of the southern marshes in the 1990s, an action aimed at Shiite ''Marsh Arabs'' living there.

The marshes—roughly 3,200 square miles—had provided the necessities of life for tens of thousands of marsh dwellers for at least 1,000 years. The area was destroyed through a large-scale water diversion project intended to remove the ability of insurgents to hide there.

Qusai also oversaw Iraq's notorious detention centers and is believed to have initiated ''prison cleansing''—a means of relieving severe overcrowding in jails with arbitrary killings.

Citing testimony from former Iraqi intelligence officers and other state employees, New York-based Human Rights Watch said several thousand inmates were executed at Iraq's prisons over the past several years.

Prisoners were often eliminated with a bullet to the head, but one witness told the London-based human rights group Indict that inmates were sometimes murdered by being dropped into shredding machines. Some prisoners went in head first and died quickly,

while others were put in feet first and died screaming. The witness said that on at least one occasion, Qusai supervised shredding-machine murders.

On another occasion, a witness said, an inmate's foot was cut off in prison torture room while Qusai was present. ''The amputation had been carried out with a power saw during his torture under the direct supervision of Qusai,'' the witness told Indict.

Qusai was made chief of the army branch for the ruling Baath party in 2000, meaning virtually all the army's movements were under his supervision. Just before this year's war began, he was put in charge of defending the nation's capital and heartland.

Qusai was spared any real combat during the 1980–88 Iran-Iraq war, although state television showed him conferring with commanders. He did not do any of the compulsory military service required of most Iraqi men.

Qusai wed the daughter of a respected senior military commander. The couple, who later separated, had two daughters.

Mr. MCCONNELL. First, let's take a look at Qusay Hussein. Qusay was No. 2 on our list of 55 most wanted men from the former Iraqi regime, behind only his father Saddam. He is also on the Bush administration list of former Iraqi regime members who could have been tried for war crimes. Let's take a look at what he did, not only to help control the regime but apparently also for his own personal amusement. The AP says:

Quiet, handsome, and every bit as brutal as Saddam, the 37-year-old Qusai headed Iraq's intelligence and security services, his father's personal security force and the Republican Guard, [which we all know was supposedly] an elite group of 80,000 soldiers responsible for defending Baghdad.

That was his portfolio in the regime.

Iraqis nicknamed Qusay ''The Snake'' for his bloodthirsty but low-profile manner. He was a leading figure of terror in the conflict aftermath of the gulf war in 1991, using mass executions and torture to crush the Shiite Muslim uprising after the Persian Gulf war.

The AP says Qusay also helped engineer the destruction of the southern marshes in the 1990s aimed at Shiite Marsh Arabs who had lived there for over 1,000 years.

Qusay also oversaw Iraq's notorious detention centers and was believed to have initiated ''prison cleansing''—a means of relieving severe overcrowding in jails.

That is a unique way to deal with jail overcrowding—the way they did it in Iraq—by eliminating the prisoners.

Citing testimony from former Iraqi intelligence officers and other state employees, New York-based Human Rights Watch said several thousand inmates were executed at Iraq's prisons over the past several years.

One of the things Qusay liked to do in overseeing these prison executions was to feed the prisoners into shredders. The lucky prisoners were the ones who got fed into the shredders head first because they died quickly. The unlucky prisoners were the ones who were fed into shredders feet first.

This was Qusay Hussein—eliminated by the 101st Airborne yesterday, No. 2 on our list of most wanted from the Saddam Hussein regime.

Qusay was made chief of the army branch for the ruling Baath Party in 2000, meaning virtually all of the movements were under his supervision.

This man was a complete monster. Thanks to the 101st Airborne, he is no longer able to terrorize Iraqi citizens.

Let's take a look at Uday, No. 3 on the list, the murderous and erratic oldest son of Saddam Hussein.

He controlled the propaganda in Iraq and allegedly oversaw the torture of athletes who failed to perform. Talk about an incentive. In Iraq, if you were an athlete and you didn't measure up, you got to meet Uday Hussein, No. 3 on the most wanted list, only eclipsed by his younger brother, whose activities I just described, and his father, who is No. 1 on the list.

Uday was head of the paramilitary Fedayeen Saddam unit. Uday helped his father eliminate opponents and exert iron-fisted control over the 25 million people in Iraq. Iraqi exiles tell us that Uday murdered at will and tortured with zeal—

Murdered at will and tortured with zeal, and routinely ordered his guards to snatch young women off the streets—routinely ordered his guards to attack young women on the streets—to bring them in for his personal pleasure. So he was raping them.

Uday was fascinated with prisoners as well. Like his younger brother, he would order the prisoners to be dropped into acid baths as punishment. His tendency toward erratic brutality even eclipsed his father's. That is pretty hard to imagine—that you could be so outrageous and so brutal that you could outrate Saddam Hussein. But apparently that is what happened. He was temporarily banished after he killed one of his father's favorite bodyguards in 1988.

Much of Uday's notoriety abroad stemmed from his position as head of the National Iraqi Olympic Committee, which was accused of torturing and jailing athletes. The London-based human rights group Indict said the committee once made a group of track athletes crawl on newly poured asphalt while they were beaten, and he also threw some of them off a bridge. Indict also said Uday ran a special prison for athletes who offended him.

This was Uday Hussein.

One defector told Indict that jailed soccer players were forced to kick a concrete ball after failing to reach the 1994 World Cup finals. Another defector said athletes were dragged through a gravel pit and then dunked in a sewage tank so that infection would set in.

While millions of Iraqis suffered dire poverty, Uday lived a life of fast cars and expensive liquor. When U.S. troops captured his mansion in Baghdad, they found a personal zoo.

The man had his own personal zoo with lions and cheetahs—

and an underground parking garage for his collection of luxury cars, Cuban cigars with his name on the wrapper, and $1 million in fine wines, liquor, and even heroin.

This was Uday Hussein.

In this country, we rarely applaud the deaths of anyone. But these two monsters—No. 2 and No. 3 on the list of the regime that we are tracking in Iraq—will no longer be able to prey on the citizens of Iraq for their own amusement. No longer will Iraqis live in fear of night-time visits from the Fedayeen and the secret police. No longer will Iraqi athletes fear being tortured for failure to win a soccer game. No longer will young Iraqi brides be forcibly taken from their families on their wedding day to be exploited by Uday Hussein.

Knowing what we now know about the Saddam Hussein regime and its penchant for brutality, it is abundantly clear that as a result of ridding Iraq of this evil Iraqi, the world is a better place.

Are we finished with the job in Iraq? Not yet. But yesterday was a day of great progress. No. 2 and No. 3 are no longer available to prey on the citizens of Iraq. We believe No. 1—Saddam Hussein—is still alive. And we are on his trail. And he will been brought to justice.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the regular order?

The PRESIDING OFFICER. One minute 45 seconds remain under the control of the minority.

Mr. REID. I yield back that time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The assistant 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.

Pending:

Reid amendment No. 1318, to appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, is it necessary to lay aside an amendment that is pending so that I can offer an amendment?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1328

(Purpose: To require reports on protecting commercial aircraft from the threat of shoulder-fired missile systems)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. SCHUMER, proposes an amendment numbered 1328.

At the appropriate place, add the following:

SEC. . (a) REPORT.—Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details that progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures, and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

Mrs. BOXER. Mr. President, I think this amendment is very important in making sure we stay ahead of the threat that the FBI has identified as being very real to our people. I am going to show you what the FBI said about the threat of shoulder-fired missiles.

The FBI said that:

. . . given al-Qaeda's demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian-made MANPAD systems, and recent apparent targeting of U.S.-led military forces in Saudi Arabia, law enforcement agencies in the United States should remain alert to potential use of MANPADS—

Those are shoulder-fired missiles—against U.S. aircraft.

First, I want to say how grateful I am to the committee, both Senator COCHRAN and Senator BYRD, for really taking the first stand in favor of moving forward on missile defense systems that could be placed on our commercial aircraft to protect them from these shoulder-fired missiles. This is a major breakthrough.

When I stood on this Senate floor several months ago, I lost a couple of very close votes on this issue, and then won a vote, but this is the first substantial amount of money we are going to have. I think it is crucial.

Senator SCHUMER and I have led the fight on this issue in the Senate, and Congressman ISRAEL and Congressman MICA, in a bipartisan way, over on the House side. So the first thing I want to say is thank you very much to the committee for getting us started.

I hope we will see the technology now blossom forth because we already have this technology on our military aircraft. We have this technology on Air Force One. And I think the American traveling public deserves no less protection.

What this amendment does—while applauding the fact that we have the money—is to make sure we are given a report by March 1, 2004, on the progress of developing and deploying such countermeasures so we stay on top of this issue.

We also ask—and this is very important because it is going to take time for our aircraft to be retrofitted with these systems—for a report, which would be classified and available to colleagues, on what our major airports are doing in the interim before we have these systems placed on aircraft.

I also thank Secretary Ridge because at the point in time when I talked to him about this matter—again, it was just after we had lost a very close vote here—I have to say, he recognizes this threat and he took the position that we should move forward. So I want to make sure that thank you is in the RECORD.

I will never forget having a press conference, a bipartisan press conference, on this issue with Congressman MICA, who said after he had a classified briefing on this matter, he had a hard time sleeping at night.

Now, here is the reason: Shoulder-fired missiles—such as the SA–7 and Stinger missile—are available on the black market for as little as a few thousand dollars.

I want to go to a picture showing, first of all, the way these shoulder-fired missiles look. You can see from the picture they are very small. They weigh 30 pounds. It does not take a very strong person to be able to lift 30 pounds, and to put that 30 pounds on their shoulder. Most can be used with very little training. And they just take minutes to fire. They can go up about 12,000 feet into the air. They basically are heat-seeking missiles and are terribly destructive. We know that for sure.

We know that more than 20 terrorist groups are in possession of these weapons, including al-Qaida. And we know that al-Qaida has shown a willingness to use these weapons as weapons of terror.

Al-Qaida is suspected of targeting U.S. military aircraft in Saudi Arabia last May with an SA–7 missile. Saudi authorities found an empty launch tube near an air base used by American aircraft.

We also know there was an apparent attack on one of our military aircraft over in Iraq. The good news there is that our C–130s are equipped with defense measures. We also know this was an unsuccessful attack.

So putting it all together, and putting it together with the fact that al-Qaida attempted to bring down an Israeli airliner in Kenya—and we also believe that Israeli airliners are protected with defense systems—it was not successful—but putting all the pieces together, the attack on an Israeli commercial aircraft, the successful attacks which killed about several hundred people—I will go through that. Since 1978, 35 attempts to shoot down civilian aircraft by shoulder-fired missiles and a catastrophic loss of 24 planes and 640 deaths.

We are not talking about some remote threat. We are talking about a real threat, a real threat that has been played out. The FBI is telling us it is a real threat. Today I am happy to say this committee has recognized that, and for the first time. That is the good news. But we want to stay on top of this and make sure these funds are well spent and well used and that the proper systems are developed.

I want to mention that military transport and refueling aircraft, in addition to the C–130 I mentioned, the C–17, KC–135, and KC–10 are some of the models that employ countermeasures that could be used for commercial aircraft. The military has conducted thousands of hours of flight testing on countermeasure technology, including live fire testing. We know the systems work. We need to start putting these systems on our commercial planes as soon as possible.

We all know we have to stay ahead of this terrorist threat. We all know there are cells of terrorists in our country. We all know that homeland security is crucial. Many of us believe it does not have a high enough priority in this administration, and we will have many amendments.

This amendment, I am pleased to say, has been signed off on both sides of the aisle because I think everyone agrees that the $60 million has to be spent well and we need to move forward.

I would like to read part of a letter from Ed Adams, chairman of Navigant, one of the leading travel management companies in the United States. He says:

The travel industry is painfully aware of what a successful attack of using a shoulder-fired missile on a commercial airliner could do to the confidence of the traveling public. It is a situation we would prefer not even to imagine, but we must understand the reality of such an event if we intend to prevent it.

The blow to the economy in general, and the travel and tourism sector, in particular, combined with the loss of human lives would be staggering. These costs would certainly outweigh the expense of the precautionary measures you are recommending today to make sure that our commercial planes are safe from such a terrorist act.

We clearly see that what we are doing here is not only the right thing to do to protect the lives of our people but also to protect, frankly, the life of our economy, which is not in good shape, which is very rocky, which cannot sustain such an incident.

I, again, thank Senators COCHRAN and BYRD for including these funds,

and I know that they both signed off on this amendment, which again will simply say, we want a report that lets us know how we are moving forward to be able to retrofit these planes with the appropriate kinds of measures and also a report—and this is very important—on the interim steps that major airports are taking.

I went to one airport. I won't name it. I stood on the top of a roof of a garage there. There was no security anywhere around. I looked up. The planes were landing. Honest to God, I could have almost touched those planes. And this is an example of a roof area, A, that should have been patrolled or, B, should be closed. It only makes sense. How can we protect every inch of our airports and everybody? It is very difficult. But we certainly could take steps that make sense, precautionary steps that are really commonsense steps.

My thanks again. I wonder if I could ask Senator COCHRAN if he would be willing to have a voice vote on the amendment.

Mr. COCHRAN. Has the Senator completed her remarks?

Mrs. BOXER. I have completed my remarks. I wonder if we could just accept the amendment. Then I have one more amendment I would like to speak about 6 or 7 minutes on, and then we could lay that one aside.

Mr. COCHRAN. I would like to make some remarks in connection with this amendment.

Mrs. BOXER. Wonderful.

Mr. COCHRAN. The Senator from New Hampshire would also like to make some remarks.

Mrs. BOXER. Sure, wonderful.

Mr. COCHRAN. But not if the Senator has not completed her statement.

Mrs. BOXER. I have completed my statement. I didn't know if the Senator wanted to move along. I would be happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on the subject of antimissile devices for commercial aircraft, the Senate should be advised that the statement of managers on the supplemental that was passed earlier this year directed the Under Secretary for Science and Technology of the Department of Homeland Security to prepare a program plan for the development of an antimissile device for commercial aircraft. In response to that directive, the Department of Homeland Security has developed a program plan.

On May 22, 2003, this plan was submitted by the Under Secretary for Science and Technology of the Department of Homeland Security to the Congress.

I ask unanimous consent that a copy of that plan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM PLAN FOR THE DEVELOPMENT OF AN ANTIMISSILE DEVICE FOR COMMERCIAL AIRCRAFT

INTRODUCTION

The House Report accompanying Public Law 108–11, which was signed by the President on April 16th, 2003, directed the Undersecretary for Science and Technology of the Department of Homeland Security to prepare a program plan for the development of an antimissile device for commercial aircraft. The plan should identify the process for delivery and certification of a prototype and the proposed cost and schedule for such an activity. The report should be provided to the Committees on Appropriations within 30 days of enactment of this Act.

A review of available technologies conducted by the White House Office of Science and Technology Policy (OSTP), in coordination with the Homeland Security Council, identified an on-board jammer (directed infrared countermeasure, or DIRCM), as the most promising of the technologies they had reviewed. It is the intention of the Department of Homeland Security to explore this option while being open to other potential concepts that may not have surfaced or been fully explored by the OSTP study.

The DIRCM concept has been under development for some time by the Department of Defense for protection of military and other government aircraft. In addition, there is a small market for business jets. There are currently two known contractors engaged in DIRCM development: Northrop-Grumman, and BAE.

There are several issues associated with the DIRCM concept, as well as with other potential antimissile concepts, that the Department of Homeland Security proposes to explore in the program plan described below; these include:

System cost, including component, integration, and certification;

Airframe & avionics integration and FAA certification issues;

Performance against the current and emerging threat;

Reliability and failure rate;

Maintenance, including built-in testing, handling, and special ground support equipment needs;

Operating and support costs;

Concept of operations, including air crew involvement, go/no-go doctrine, and airport operational procedures.

In addition, a Broad Agency Announcement released May 16 by the Department of Homeland Security under the auspices of the Technical Support Working Group (TSWG) explicitly requests proposals for options for protection of aircraft from the man-portable missile threat. Given the program plan described below, it is envisioned that the TSWG solicitation will likely lead to awards for concept development, thereby requiring significant research and development.

PROGRAM PLAN

Strategy

The strategy for research, development, test and evaluation of an antimissile device for commercial aircraft is to issue a solicitation for a Systems Development and Demonstration program, with potential awards to one or more contractors. Prior study has indicated that the DIRCM concept is the most likely path for providing good performance against the current and emerging threats while potentially satisfying operational constraints. One or two contracts will be awarded for system development and demonstration of a DIRCM. However, the solicitation would also allow responses for concepts other than DIRCM, with a single award contemplated should an alternative likely to meet performance, operational, and cost constraints be offered.

Each contractor would have to design, develop, demonstrate, and deliver 2 units for demonstrating system performance (with emphasis on operational suitability and cost). For the DIRCM concept, system design and fabrication for both the countermeasure system (common for all aircraft types) and the canoe (an aerodynamic conformal pod peculiar to the aircraft type) would have to be completed. Other concepts would be required to complete similar activities. Integration onto only one aircraft type would be required in the SD&D phase. To understand the potential operating and support (O&S) procedures and costs, a detailed O&S plan would be a major part of the contract deliverables. Various Test & Evaluation (T&E) activities will also be required to include as appropriate wind tunnel, reliability, tracking accuracy, hardware-in-the-loop and live fire testing and operational suitability (e.g. environmental testing and maintainability to include built-in testing, handling, and special ground support equipment). A parallel FAA certification effort, coinciding with the SD&D phase would also occur.

The program would be developed and managed in consultation with the airline industry, pilots, airport operators, aircraft developers, and relevant Federal agencies.

Program cost/schedule

Fiscal year 2003 plans are to create a special government staff office to manage the effort, with an initial task of preparing a solicitation to industry for research, development, test and evaluation of an antimissile device; this effort will be managed within the Science and Technology Directorate (S&T) of the Department.

Fiscal year 2004 activities will be to award contracts to develop system costs; analyze aircraft integration issues; and through modeling and simulation assess performance against the current and emerging MANPAD threat. Contractors will be asked to develop an operations and support plan that details the maintenance and logistical support requirements for the system they are developing, and an analysis of the recurring operating and support costs. Contractors and the government will work with the community to develop viable operational concepts for the use of the system. Finally, if analyses indicate cost effectiveness and operational suitability, development of a prototype for each viable concept may be initiated to prove out the analyses. S&T would not seek additional or supplemental funding for this effort.

Contingent on the analytic, design and developmental efforts conducted in fiscal year 2004, fiscal year 2005 activities could include the completion of the test articles and their integration onto a single airframe type, along with hardware in the loop and live fire testing to validate performance assumptions.

Costs quoted below are informed by contractor estimates for the DIRCM RDT&E phase, along with estimates provided by Department of Defense representatives to the OSTP study. Further development of program RDT&E costs will be conducted by the system program office during FY03.

Mr. COCHRAN. What the Department has agreed to undertake is to bring together the best information from the private sector, our experience in the defense area for military defense against anti-aircraft missiles, and to come up with a rational approach to making such antimissile devices available to the commercial airline industry.

We have provided in the committee report $72 million for critical infrastructure protection to utilize information and scientific advances that have been made to deal with evolving threats to protect infrastructure security. Of this amount, $60 million is allocated for systems development of antimissile devices for commercial aircraft. This is provided and printed on page 62 of our committee report.

These funds will be available to carry out the work contemplated in the amendment of the distinguished Senator from California. In her amendment, she asks for another report to be submitted to the Congress by the Secretary of Homeland Security not later than March 1, 2004, to report on the progress made in developing these countermeasures for commercial aircraft. We have no objection to including this provision in the bill. We expect that we are going to have reports made periodically. We have hearings to review the activities of the Department, and this is certainly going to be a subject that we are going to follow closely.

It is because the Congress has made a strong point of emphasizing the importance of deploying these defensive measures as soon as possible that the Department has now undertaken a specific plan and approach to doing this in a rational way. The Senate may remember that some wanted to require the Department to make available immediately missile defense systems to be put on commercial airlines. We found that was not workable. The Congress did not insist on that point. In fact, amendments on that were defeated when they were offered earlier in this body.

But this is a program now—and the Senator from California has been a leader in bringing attention, keeping the pressure on—to see that we do this in a rational and an immediate way, with some sense of urgency. We have also noticed in the amendment, which we appreciate, that the Senator calls on a classified report to be made available to the Congress as well, assessing the vulnerability of certain airports, the largest airports in our country, from the threat of shoulder-fired missile systems and the measures being taken to address that threat. We likewise have no quarrel with that part of the amendment and are prepared to recommend the Senate accept it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I believe one of the most challenging tasks put before the Department of Homeland Security, and before the appropriators were allocating funds for the Department of Homeland Security, is to understand evolving technologies and to take steps to use those technologies to keep the public safe. I think that is a difficult task because, whether we are looking at homeland security, or information technology, or any other area, we are never sure exactly where technological developments are going to take us. It is always difficult to understand the best and most cost-effective ways to use technologies—in this case, to keep the public safe.

I commend the members of the subcommittee and Chairman COCHRAN for the work they have done throughout the process on their bill but in this area in particular—to take the steps necessary to bring technologies into place in a way that will keep the public safer. The process that they used, as well, I think is commendable. They worked with the Department of Homeland Security, with the Under Secretary for Science and Technology, to develop a program plan for looking at the current state of technology to deal with the potential threat of surface-to-air missiles, and then to allocate funds to further study and evaluate, develop systems and adapt the technology for the potential use on commercial aircraft. They have appropriated a significant amount of funding, up to $60 million. Again, for that I commend the committee.

They have really taken the steps necessary that will allow us to best understand how this technology might be deployed. It is very difficult to predict what the nature of all the threats to our commercial aircraft industry might be. There is no question, perimeter security at our Nation's airports has improved dramatically since September 11, and that has helped reduce any potential threat from shoulder-fired missiles. But we want our Department of Homeland Security to be responsive, to take the steps necessary to adapt and to use this technology, if possible, to protect commercial aircraft. I think that is exactly what they have done.

I appreciate the work by the Senator from California to highlight this issue in the amendment she has offered, which will be accepted by the subcommittee to make sure Congress is well informed as to the progress of this development effort and this research effort.

I look forward to continuing to work with the committee on this issue. I thank them for their funding, and I am happy to support the amendment of the Senator from California.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, to complete the record on this issue, I am going to read into the RECORD the statement of managers from the conference report, dated April 12, 2003, making emergency supplemental appropriations for the fiscal year 2003. In that statement of managers, the conferees said:

> The conferees direct the Under Secretary for Science and Technology to prepare a program plan for the development of an antimissile device for commercial aircraft. The plan should identify the process for delivery and certification of a prototype and the proposed cost and schedule for such an activity. The report should be provided to the Committees on Appropriations within 30 days of enactment of this Act.

As I mentioned in my earlier statement, we are pleased that the report was made available. We have now submitted that for printing in the RECORD to complete the statement that should be made in the RECORD to accompany this amendment.

I know of no one who objects to this amendment. I think we can adopt it on a voice vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, I think we are ready to proceed to a voice vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1328) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I thank the committee very much. I cannot tell you how much I look forward to the day that the Department has agreed on a particular system, and that we can begin the installation of the system I think will send a very good message to the flying public. We will stay on top of this until we see it through.

AMENDMENT NO. 1331

(Purpose: To investigate the expenses caused by Secret Service activities)

Mrs. BOXER. Mr. President, I send a second amendment to the desk.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from California [Mrs. BOXER] proposes an amendment numbered 1331:
>
> At the appropriate place, add the following:
>
> **SEC. .**
>
> Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by State and local government law enforcement personnel in each state in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

Mrs. BOXER. Mr. President, I know that each of us wants to do everything we can to help our first responders—the men and women who are called to duty as a result of a Federal action. Well, one of the areas where our local people have just been left out to dry all through of the years—this is not a partisan issue, whether in a Democratic

administration or a Republican one—is that they have to pay the costs of security details when a leader comes into the State, be it a domestic leader like the President, a Presidential candidate, the Vice President, or their families, or a foreign dignitary.

It is really critical, it seems to me, particularly in light of the rough economic times that our States are seeing, that we begin to address this issue. I was a little stunned when I got into this after a constituent talked to me about this. I was stunned to learn that there is really no place in the Federal Government where we have this information.

The Secret Service does its job brilliantly. They don't worry about the cost to the local people. They call up the local people and say that a Cabinet Secretary is coming, or a foreign dignitary, or the President, or a candidate, and this is what they need. They need A to Z and they lay it out. Guess what. The cost is borne by our local agencies at home.

So simply, my amendment requests a report from the Department of Homeland Security on expenses incurred by local police as a result of Secret Service requirements.

We all know, when there is an orange alert, what happens in our hometowns, because we also know when there is an orange alert—that means a heightened state of alert—if there is a problem, people don't call the President or the Senate or the House; they call 911. We know that is what happens.

Right now, even in this bill, as far as it goes, I don't think it goes far enough to help our people. Here is a whole other matter that we have never really looked at. As we see that our police departments and fire departments are facing layoffs, it seems to me that we need to do something to help them. As a first step to do that in an area that has never been looked at, I think we ought to look at what happens to the various agencies.

I have a very detailed letter from the California Highway Patrol. They detailed all the expenses that they had from 2002 to 2003. I am not going to go into every detail of every hour, and I am not going to put that in the RECORD because Senator COCHRAN informed me, through his staff, that the Secret Service doesn't want this to be public information. I find it very odd, frankly. I don't think it should be a classified issue. But if the Secret Service says they need it classified, so it shall be. However, I will tell you that the aggregate cost in that 1 year just for the California Highway Patrol, in 69 different details they were ordered to do, was $700,000. That may not seem like a lot by the standards we face here, but I can assure my colleagues, in my State, every dollar now makes a difference. Sometimes these agencies may get reimbursed, but they usually do not, and the burdens of these requests are adding up. They add up in additional overtime and transportation costs that these agencies cannot afford.

We want to know: How big is this number? I think it would be very important for every one of our States because every one of our States hosts these dignitaries and we want to do what is right, and we will do what is right, but let's find out because we do care about these unfunded mandates, what it is costing our people.

I am not in any way being critical of the Secret Service. They are doing their job, and they do it extremely well, but they are not acting alone in these cases. They are calling local police. Simply put, we want to find out the costs and the burdens on our States. I have no idea what it would be. I just have this one letter that details one area of costs, and, I might say, it is an off election year. In this election year coming up, we are not only going to have the President, his entourage, his family, and the Vice President, but we are going to have the Democratic nominee and his or her entourage, I have to say, and family. These are major costs. It is not fair to our people not to try to reimburse them for these costs.

Again, this amendment will start the ball rolling. In some ways, I wanted to write an amendment that just said our local people should be reimbursed right now for all the expenses they face when Secret Service says to them: You must provide these many cars and these many police and this much protection. But I wanted to lay the groundwork for everyone because, as I say, I think when we get the report back, every one of us will be impacted because at least most of the States are receiving these calls from Secret Service all the time. In my case, for just one agency, it is $700,000 for 1 year, 69 details.

I am very pleased both Senators COCHRAN and BYRD have agreed to have this amendment. We made a couple of changes at the request of Senator COCHRAN to keep these numbers classified. Again, I have problems with understanding why the aggregate number has to be kept classified. I do not see what anyone learns if they find out an aggregate number. We have an aggregate number for the Secret Service, so I do not know why we cannot have an aggregate number of what the costs are to our States. But that is a fight for another day. We do not have to pursue that at all today. Today, I am very pleased we will take the first steps toward getting this information.

I ask for the yeas and nays on this amendment and ask that the amendment be laid aside. At the time Senator COCHRAN thinks is appropriate, I will be happy to have a vote on it at that time. Is it appropriate, Mr. President, that I ask for the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I, frankly, think this amendment is unnecessary and unnecessarily burdensome on the Secret Service, but I am not going to vote against it and the Senator insists on a vote on the amendment. I am going to vote for it and suggest all Senators vote for it. We have suggested, and the Senator has agreed, to modify her amendment to require the Secret Service to issue a classified report to Congress on security costs incurred by State and local government law enforcement personnel in complying with requests and requirements of the U.S. Secret Service to provide protective services and transportation for foreign and domestic officials.

The amendment, first off, is to have a report, a public report in the aggregate of all of these expenses. There were concerns—and I share those concerns—about the fact that potential terrorists or those who might be planning to do harm to the public officials who are protected by the Secret Service and the families of public officials, such as the President of the United States and his family, and visiting foreign government officials who come to our country on official business, are afforded protection, and those who are accompanying them.

The Secret Service is the primary Federal agency that has this responsibility. What this amendment first sought to do was to require a report of the aggregate costs associated with protection of officials, including State and local law enforcement officials who cooperate with the Secret Service to help ensure the success of the protection mission.

I am not sure how the Secret Service is going to compile all of this information, but they, I am sure, will undertake to do it if we adopt this amendment and say they ought to do it. All they can do is ask for State and local governments to submit to them the information that is requested in this amendment and then compile it, give it in a classified report to the Congress, and it would be made available in that form to all Senators.

I am hopeful the Senate can proceed to a vote on the amendment. I have not checked with the leadership to see whether or not there is any objection to proceeding to a vote right now. I have no objection to it. I do not know of any objection, but we will check with the leadership to be sure we can proceed. If not, we can set, by agreement, a time for a vote later in the day. Until we get that advice, I suggest the absence of a quorum.

Mrs. BOXER. Mr. President, will the Senator withhold his request?

Mr. COCHRAN. Mr. President, I withdraw my suggestion for the quorum call if the Senator wants to be heard.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I wanted to thank Senator COCHRAN for his support, although not enormous support, but support for this amendment. Senator COCHRAN, I want to address your comments, and I thank you

for your support, although I say not the most enthusiastic, but nonetheless I am very appreciative.

Mr. COCHRAN. It is not enthusiastic at all. I said I disagree with the amendment, and I think it is unnecessary. But I am willing to go ahead and adopt it and urge the Secret Service to try to comply with it.

Mrs. BOXER. What I said was your support was not enthusiastic, but I appreciate it nonetheless. I wanted to answer your point that you were worried about how to collect this information. I want to tell you that our States have very clearly documented——

Mr. COCHRAN. Mr. President, I make a point of order. The Senator should direct her comments to the Chair, not to other Senators. I think that is the procedure in the Senate.

Mrs. BOXER. I am happy to do that, Mr. President. I wanted to mention to Senator COCHRAN, because he made some criticism of how we would get these numbers, that it was very easy for the highway patrol in my State to compile the numbers because all of our States are in a budget crunch and they all have to document the numbers in their States.

So all the Secret Service has to do, or Department of Homeland Defense, is to simply ask our States for these numbers. I can assure the Senator from Mississippi that our States are reeling, they are hurting, and it would be very simple for them to do this.

I have not placed this letter into the RECORD because of the concerns of the Senator that these numbers should be classified. I do not agree with that, but I respect it. So I am not going to place this in the RECORD.

The bottom line is it would be very simple for our States to document these numbers, and I hope I am proven right. I will discuss this with the Department of Homeland Security because clearly the purpose of my amendment is not to cause anybody any extra trouble. It is simply to be fair to our States, our police departments, and our first responders.

Again, I want to thank Senators BYRD and COCHRAN for agreeing to this amendment. The reason I want to have a record vote on it is clear. This is the first time we will ever be asking that this be documented. So I wanted to have a solid vote on it so it would not get lost in the shuffle. I have no need to speak any further. I am most appreciative that both of these amendments appear likely to be agreed to.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Boxer amendment be set aside. We are advised that there is a ceremony that will be taking place momentarily in the Rotunda. The leadership of the Senate will be involved in that and maybe other Senators as well. The Senator from Washington has an amendment she would like to offer, and I think we could entertain her amendment at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 1327

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1327.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for emergency management performance grants)

On page 65, line 9, strike ''$165,000,000'' and insert ''$265,000,000''.

Mrs. MURRAY. Mr. President, first, I commend the managers of the homeland security appropriations bill for doing an excellent job of trying to put together a bill under very difficult circumstances where we have a budget resolution that really does limit our ability, I believe, to make sure we have in place good security for all of our constituents, no matter where they live in this country.

Everywhere I travel, people have different concerns, whether it is their seaports, trains, borders, infrastructure that easily could be a target of terror. The managers of this budget have worked hard to put together a package, but today I offer an amendment because I believe everything we are trying to do in this bill to improve homeland security will be undermined if our local communities do not have solid emergency response plans.

Let me say that again because it is so important. Everything we are trying to do in this bill to improve homeland security will be undermined if our local communities do not have solid emergency response plans.

When a disaster strikes in one of our communities, we know the phone will ring at the desk of some local emergency manager, and when that phone call comes in, if there is not a plan that is ready to go to deal with that emergency, we are in trouble. Even if we are able to provide all of the equipment and training that our first responders need, if there is not an effective plan at the local level to coordinate a disaster response, then we have all failed to protect our citizens.

I introduce an amendment to ensure that the emergency planners in virtually every county and every community in America will have the tools they need to lead our response to a terrorist attack or other disaster. My amendment will provide $100 million for emergency management planning grants, and it has broad support. My amendment has been endorsed by the Council of State Governments, the National Association of Counties, the National League of Cities, the National Emergency Management Association, and the International Association of Emergency Managers. Those endorsements say a lot. Those endorsements mean our leaders at the city, county, and State levels all recognize the need for this amendment.

Those endorsements say the emergency managers who work to protect all of our communities are asking support for this amendment.

One of the least talked about but most important parts of our response to a disaster takes place outside of the public view. In every county and major city in this country, there is an emergency response coordinator who works behind the scenes preparing for the worst. They determine what the needs are in our local communities. They develop plans so if there is a tornado or a natural disaster, there is a game plan for everyone to follow. Those plans coordinate the work of many different agencies and organizations and they really are the backbone of our emergency response.

In one community, the emergency coordinator might be the fire chief. It might be the sheriff. In another community there might be a dedicated person who handles emergency planning exclusively. No matter what their title is, they perform a very critical job. They make sure we have an effective coordinated plan to prepare for and respond to in an emergency.

For decades, they worked hard to prepare for natural disasters, developing plans to respond to tornados, earthquakes, floods, and winter storms. Today, they have a massive new responsibility to deal with. Today, they have to develop plans to respond to manmade disasters and plans to respond to terrorist attacks. They have to come up with strategies for handling scenarios that we would never have imagined just a few years ago.

Our local emergency planners have a massive new responsibility, but they do not have the funding to carry it out. This is not an area where we can afford to skimp or to cut corners. If, God forbid, there is a smallpox outbreak somewhere in our country, the phone is going to ring at the desk of the local emergency coordinator. When he or she picks up the phone, either they have a plan to respond to smallpox or they do not. There are no two ways about it.

If, Heaven forbid, a dirty bomb goes off somewhere in our country, either there is a game plan to follow on the shelf, tested, ready to go, or there is not. I want to make sure when that phone call comes, we are prepared,

wherever we live in this country. Right now, we have a very long way to go. Trust me, my colleagues do not want their emergency planner in their community to have to choose between preparing for a natural disaster or preparing and planning for a terrorist attack. They need to plan for both.

My amendment would give them the resources they need to meet these new homeland security threats. Simply put, our communities have to build a brand new capability from scratch and they need Federal help.

Turning to the specifics of my amendment, my amendment would provide an additional $100 million to the existing emergency management performance grants. These are the grants that allow our emergency managers to meet the needs in their local communities. I want to note that funding for these grants has been stagnant for about a decade. The underlying bill does provide some funding for these grants, but it is certainly not enough to allow our communities to create this new capability from scratch. In fact, in March of 2002, a survey conducted by the National Emergency Management Association identified a $200 million shortfall for the EMPG Program that has continued to grow.

Emergency planning grants have been around for about 10 years, and they are now the backbone of our emergency response system. They are funded on a 50/50 formula. Half the funding comes from our local level and half the funding comes from us at the Federal level. These grants fund the local emergency management offices that build our State and local emergency capability, and they provide the foundation for our first responders.

In Washington State, without these grants many of our smaller and rural communities would not have had the resources to develop their emergency response plans. So these grants have been critical in helping our communities prepare over the years. Today, these grants are the best vehicle to meet the new challenges because they are flexible.

Emergency management planning grants are flexible, allowing local coordinators, those people on the ground, to use them where they will do the most good for their community.

Emergency managers can use these grants for local planning, first responder training, emergency preparedness exercises, personnel, operational activities, equipment, early warning systems, public information education, mutual aid, and other preparedness response and recovery activities. All of these options are available to local people on the ground, local emergency managers under this grant program.

Some people may claim we can combine this grant program with others and that dedicated funding does not really matter. But that is not true. If we combine this with other grant programs, we will force emergency planning and coordination to compete with equipment and other important priorities. We should be helping communities meet all of these needs, not pitting one against another so communities come up short. Our local communities need both equipment and planning, and we need to fund both. The emergency management planning grant is the right tool to empower the emergency planners in your community to meet their local needs.

Since September 11, we have asked the local emergency managers in every county in America to develop new coordinated plans to respond to terrorist attacks. We have asked them to take on this critical responsibility, but we have not provided the funding they need. My amendment will provide an additional $100 million in flexible grants to meet the needs from coast to coast.

If our communities do not have solid emergency response plans, then they are really not prepared for a disaster. That is a price we cannot afford to pay. Our ability to respond to a terrorist attack or other disaster is only as good as the emergency response plans in our local communities. If we buy all the equipment but never develop the plans, we are not safe. If we send our firefighters to training but we never coordinate our response to an attack, we are not safe. We do not want our communities to have to choose between preparing for tornadoes or preparing for a smallpox attack. We are asking them to prepare for everything. They need the funding to do that.

This amendment has been endorsed by the Council of State Governments, the National Association of Counties, the National League of Cities, the National Emergency Management Association, and the International Association of Emergency Managers.

If there is a terrorist attack on our country again, the phone is going to ring at the desk of some local emergency manager. One of two things will happen: Either they will have a solid emergency plan for that disaster, know what to do, know what decisions to make; or they will not and Americans will pay the price.

I urge my colleagues to vote for this amendment so one day when that desperate phone call comes, the person who answers that phone, wherever they are, will be ready to lead an effective response. Each of us has the power to make sure our communities in our States are ready.

I urge all colleagues to support the Murray amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in connection with the Senator's amendment, the President's budget as submitted to the Congress proposed eliminating the emergency management performance grants program. This was a program that had been administered by the Federal Emergency Management Agency. It is a program that provides funds to States to help prepare to deal with responses that have to be made at the local level to disasters that occur.

The reorganization of the Department of Homeland Security folded into this new Department the agency previously referred to as the Federal Emergency Management Agency. It is now part of Homeland Security.

This emergency performance grants program was recommended for cancellation by the administration's budget. They recommended combining it with a State and local grant program within the Office of Domestic Preparedness. Our committee looked at that and decided this program was an important program to the States and it should be continued in effect. So we have funded it as a program that is administered by the Emergency Preparedness and Response Directorate.

The amendment the Senator is offering does not complain about what the committee has done with respect to their recognition of this program as an important program for assistance. The only thing her amendment complains about is the level of funding. Since it was disestablished, in effect, in the budget, there was no funding for that activity. We put $165 million in it to continue the assistance program and improve the level of support that the Federal Government gives to States for this purpose.

Her amendment basically says: That is not enough money; we should have added $100 million more. Her suggestion is, instead of $165 million, this program ought to be funded at $265 million.

The problem is, there is no offset recommended in the Senator's amendment. Therefore, the amendment would violate the Budget Act. It would put us over the allocation that the committee has under the Budget Act. Therefore, at the appropriate time it will be my intention to make a point of order against the amendment for that purpose and for that reason.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for offering this amendment.

First, I compliment the able Senator for the great work she does on the Appropriations Committee. She has been a stalwart in the Appropriations Committee from the beginning of her career. In so doing, she follows in the steps of two great Senators from Washington with whom I served many years ago: Scoop Jackson and Warren Magnuson. Magnuson served on the Appropriations Committee just as PATTY MURRAY serves on that committee. Those were very forceful Senators, very active Senators.

I knew Magnuson well, he being on the Appropriations Committee, as I say. But I knew Scoop Jackson even better. He was my supporter from the beginning of my career as a Senator who was involved in the leadership, first as Secretary of the Democratic Conference and then as Democratic

whip and then as the leader. Scoop Jackson was always there. I should say in passing that the best whip the Senate ever had was the Senator who exceeds ROBERT BYRD, and that Senator is HARRY REID. He and I were alike in this respect: He is always on the floor. So was I, always on the floor.

But PATTY MURRAY is a supporter on the Appropriations Committee. She works hard. She is a Senator who certainly attends to her responsibilities with respect to her State, and she is also a Senator who has a national viewpoint. I think she exceeds all of us on my side of the aisle with respect to our work on the transportation matters, and I compliment her for that. She is following in that train of activity when she supports this amendment which she has brought to the attention of the Senate. I thank her for offering the amendment.

The administration proposed to consolidate the Emergency Management Grant Program into a single first responder program. She has spoken to this already. So has the distinguished chairman of the subcommittee who manages this bill today from that side of the aisle. He, likewise, mentioned this in opposing the amendment. So the proposal of the administration is a result of a fundamental misunderstanding of the Emergency Management Grant Program.

I am not saying that the distinguished Senator from Mississippi misunderstands it. He understands it well and he provided for it in the committee. I compliment him for that. But the Emergency Management Grant Program is the one Federal program that gives States resources to plan for what is called ''all hazards'' emergency management planning. That is exceedingly important. We must plan for responding to a terrorist attack but that does not mean we should lose the capability to plan for floods, tornadoes, and other natural disasters.

I am very keenly aware of this, being from the Mountain State of West Virginia, where those clouds hover over the high mountains and where the steep hills enable storms to flow rapidly down those sharp mountainsides into the valleys, often narrow valleys, and create extremely dangerous hazards for the people who have to live in those valleys and others who have to travel through those valleys and into those valleys to work.

I strongly support the amendment by the distinguished Senator from Washington. This is a proven program and I thank Chairman COCHRAN for agreeing to keep this as a separate program in the committee bill. This amendment would provide $100 million in addition to the funding in the committee bill.

I, again, compliment the distinguished Senator from Washington for her excellent work on the committee on behalf of her State and on behalf of the Nation, and I compliment her on offering this amendment today. I strongly support it. As I say, it means a great deal to the people of my State, to their safety and their welfare. I hope all Senators will support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are prepared to suggest to the distinguished Senator from Nevada, if we could get consent, we would ask that votes on the Boxer amendment or in relation to the Murray amendment occur at 12 noon today. We are hoping we can get consent. I think it would be good for us to do that. We could vote on one amendment and then I think a motion to waive the point of order that I made would be the vote that we would have on the Murray amendment.

If the Senator would consider this: I ask unanimous consent that at 12 noon today the Senate proceed to a vote in relation to the Boxer amendment, No. 1331, to be followed by an immediate vote in relation to the Murray amendment, No. 1327, provided further that there be 2 minutes equally divided for debate prior to each vote and that no second degrees be in order to the amendments prior to the vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have checked this with Senator BYRD. He has no objection. Therefore we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Senator and I thank the Senator from West Virginia as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

AMENDMENT NO. 1331

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided prior to a vote on the Boxer amendment.

Who yields time?

The Senator from California is recognized.

Mrs. BOXER. Madam President, I start by thanking the chairman and ranking member for their support of this amendment.

Basically, we have a wonderful Secret Service unit in our Federal Government. They are very professional and they do a wonderful job in protecting our dignitaries, both foreign and domestic—whether it is a President, Vice President, a Presidential candidate, the Vice President, their families, or the head of a foreign power. It is absolutely a fact that they are the best there is.

A lesser known fact is that when those dignitaries visit our States—Arkansas, California, Missouri—our law enforcement personnel are asked to help the Secret Service and, of course, they do it. But they don't get reimbursed for the cost of doing that. This is beginning to sting our people at home.

My amendment will simply let us know the extent of the problem. I have a letter from the California Highway Patrol, and they tell me that last year they spent over $700,000.

I hope we will have a unanimous vote on this. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, as I said when the amendment was proffered by the Senator from California, we were pleased that she had agreed to make some changes in the amendment and that we would accept the amendment if those changes were included. She asked for the yeas and nays on the amendment.

I have further said that I thought the amendment was unnecessary and I don't know how the Secret Service is going to comply with the terms of the directive in the amendment. That is up to them. It seems to me they can make an effort to obtain the information sought by this amendment, which is the operating costs of the State and local law enforcement officials who are asked to cooperate with the Secret Service when they provide protection for visiting foreign government officials, or the President and his family, or for others whom they are obligated under the law to protect.

They were worried that if they made this available in an unclassified form, it might put in jeopardy some of the very people they were trying to protect because they would disclose the steps they were taking to assure their protection. I am sympathetic with that observation. That is why we urged the Senator to make this a classified report. But it would be available to Senators.

I have no objection to the amendment.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—79

Akaka	Allen	Bayh
Alexander	Baucus	Bennett

Biden	Feinstein	Miller
Bingaman	Fitzgerald	Murkowski
Bond	Graham (FL)	Murray
Boxer	Graham (SC)	Nelson (FL)
Breaux	Grassley	Nelson (NE)
Byrd	Gregg	Pryor
Campbell	Hagel	Reed
Cantwell	Harkin	Reid
Carper	Hollings	Rockefeller
Chafee	Hutchison	Santorum
Chambliss	Inhofe	Sarbanes
Clinton	Inouye	Schumer
Cochran	Jeffords	Shelby
Coleman	Johnson	Smith
Collins	Kennedy	Snowe
Conrad	Kohl	Specter
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Stevens
Dayton	Leahy	Sununu
DeWine	Levin	Talent
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCain	Wyden
Edwards	McConnell	
Feingold	Mikulski	

NAYS—19

Allard	Dole	Lott
Brownback	Domenici	Nickles
Bunning	Ensign	Roberts
Burns	Enzi	Sessions
Cornyn	Frist	Thomas
Craig	Hatch	
Crapo	Kyl	

NOT VOTING—2

Kerry	Lieberman

The amendment (No. 1331) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1327

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote on the Murray amendment.

Mrs. MURRAY. Madam President, the amendment before the Senate simply adds $100 million for emergency management planning grants. The President's proposal under homeland security combined these grants with other programs. The Senator from Mississippi, the chairman of the committee, rightfully separated this back out to where it was.

Unfortunately, the funding for this has remained static for the last decade. Since September 11, every county, every city across this country has had an additional responsibility in planning not just for a tornado or earthquake or national disaster but to have an emergency plan in case of a terrorist attack—very different planning, very different understanding, very different concerns. It is critical we help our local communities have a plan in place so when a call goes to a desk after a terrorist attack, people have a plan in front of them and know what to do and there is not pandemonium.

This amendment simply adds $100 million. By the way, the people across the country in emergency management say they are $200 million short in this area. We simply add $100 million for our planners across this country to be prepared for a terrorist attack.

Mr. COCHRAN. Madam President, I make a point of order under section 302(f) of the Congressional Budget Act that the Murray amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mrs. MURRAY. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the pertinent sections of that Act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act on the Murray amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—45

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Stabenow
Dodd	Lautenberg	Wyden

NAYS—53

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	

NOT VOTING—2

Kerry	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the Senator from Maine wishes to speak for 10 minutes on the bill. Following her statement, Senator DAYTON will be ready to offer an amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Democratic assistant leader for his assistance in this matter.

Madam President, I rise today to express my strong support for the Homeland Security Appropriations Act, which will help us to better protect communities across America.

I congratulate Senator BYRD and Senator COCHRAN for putting together a bill that fairly balances the many responsibilities of the Department of Homeland Security. I also thank Senator STEVENS for his leadership in bringing this legislation to the Senate floor.

This legislation, I believe, will give Secretary Ridge, State and local officials, and first responders the tools they need to build a more effective homeland security structure.

Protecting this vast and diverse Nation is an enormous task, but our people—from Washington, DC, to the small border communities in northern Maine—have the skills, ingenuity, and the spirit to get the job done.

On March 1 of this year, the foundation for this new structure was laid as 22 separate Federal agencies and Departments were merged into the new Department of Homeland Security.

Creating a new Department is, however, just a start. Each State has its own security challenges, and every community has its own needs. My home State of Maine must protect a long and remote stretch of our northern border. Our enormous coastline is lined with small harbors, three deepwater cargo ports—one of which is the largest tonnage port in all of New England—and two ports that regularly welcome passengers from around the world. We have two international airports in Maine, one of which played a most unwelcome role in the events of September 11.

This legislation will provide more than $29 billion in fiscal year 2004 to fund the Federal Government security efforts and to help each of our States meet its particular needs. It includes $8.2 billion to protect our Nation's borders, including funding for an additional 600 border agents and the development of innovative new security technologies.

I am pleased that under the leadership of Senator COCHRAN the Appropriations Committee has provided more than $60 million for the Container Security Initiative. I know from a hearing held by the Governmental Affairs Committee, which I chair, that this partnership between the Department of Homeland Security and our shipping industry to target high-risk containers will help to better protect our ports from terrorist attacks.

The legislation also provides more than $5 billion for the Transportation

Security Administration, including $1.8 billion for passenger screening and $150 million for port security grants. These grants provide important security upgrades to help protect an industry that is absolutely vital for our economic prosperity.

I am pleased that Chairman COCHRAN and Ranking Member BYRD have agreed to many of the suggestions I have forwarded to them for upgrading our Nation's Coast Guard. This legislation provides $6.8 billion for Coast Guard operations, including $702 million for the Integrated Deepwater Systems Program, which is vital to helping the Coast Guard carry out its traditional missions even as it meets its new and enhanced responsibilities for homeland security.

This legislation also maintains our commitment to America's first responders—our police officers, our firefighters, our emergency medical personnel—who are on the front lines of the war against terrorism.

As chairman of the Governmental Affairs Committee, I have made helping first responders a top priority. The needs of our first responders are as varied as the communities they protect. If there is a local emergency, citizens do not call Washington, they call 911. It is our first responders who are truly on the front lines in protecting our communities and in responding to any sort of terrorist attack.

The $3.6 billion for the Office for Domestic Preparedness, including $1.75 billion for State and local homeland security grants and $750 million for fire grants, is vital to the success of our first responders. These programs will provide them with better communications equipment, more firetrucks, and more exercises in training to do what they do best—prevent and respond to terrorist attacks and other emergencies.

But appropriating the funds, while essential, does not complete the job. We must also get these funds where they are needed quickly and efficiently. I have spoken to officials from communities around the State of Maine, to the mayor of Baltimore, and to officials throughout the Nation about the existing grant programs to assist our first responders. They are grateful for the grants, but frustrated by the bureaucracy, the time-consuming, complicated, and rigid application process, and the mountain of paperwork.

After holding several hearings on this topic in the Governmental Affairs Committee, I introduced, with a number of my colleagues on both sides of the aisle, the Homeland Security Grant Enhancement Act of 2003. This legislation would provide a steady ongoing stream of funding to each and every State. It will simplify the grant process. It will promote flexibility in the use of homeland security funds so they can be targeted to the greatest need. I urge the Senate to pass this legislation which has been reported unanimously by the committee. This will help us streamline and strengthen the way we provide assistance to those on the front lines.

Finally, I add my strong support for the $3.6 billion included in this legislation for the Emergency Preparedness and Response Directorate, including $2 billion for disaster relief and $153 million for the Emergency Food and Shelter Program.

As with any appropriations bill, one can argue about funding levels or that a certain program deserves more money than another. That is also true with this legislation. For example, I would like to have seen more funding for first responders and port security. But given the constraints on the Federal budget, I believe the managers of this bill, the chairman and ranking member, have done an extraordinary job. This legislation spends homeland security dollars in an effective, efficient manner. By providing more training and equipment to our first responders, more equipment and funding to secure our ports, and additional resources to protect our borders, this legislation gets the maximum benefit out of the Federal budget, out of the Federal resources available with the constraints under which we are operating.

Again, I congratulate the chairman, Senator COCHRAN, and the ranking member for putting together an excellent piece of legislation that fairly addresses the diverse needs of our States and communities. I urge quick passage of the legislation so that the Department of Homeland Security and those throughout our homeland can continue to work together more effectively on the crucial tasks that lie ahead as we seek to better secure our Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I compliment the distinguished Senator from Maine for her leadership as chairman of the Governmental Affairs Committee in helping shape the legislation that created this new Department and in monitoring its activities and keeping up with how they are going about managing their responsibilities.

Legislation has already been reported out of that committee, for example, that deals with such issues as formulas for dividing money among agencies and sharing money with State and local governments. These are very important challenges the committee faces because they are the committee of jurisdiction of homeland security. We are just simply providing the funds and trying to allocate it within the terms of a budget resolution, trying to maintain an awareness of the importance of holding down the deficit, being responsible, making sure the funds we invest in these activities are used wisely and efficiently and effectively. We want them to really count. We want to be sure we are upgrading the quality of our capability of responding to national emergencies, manmade and natural disasters as well.

It is a big challenge. There is no end to the list of ways we could spend more money in trying to do that. We are guided by the legal authorities laid out by the Committee on Governmental Affairs. We appreciate so much the guidance and leadership of the distinguished Senator from Maine in this effort. I commend her very much.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chairman of the Appropriations subcommittee for his generous and kind comments. He has been wonderful to work with on this issue, as every other. We are very fortunate to have him leading this essential subcommittee.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1336

Mr. DAYTON. Mr. President, I send to the desk amendment No. 1336.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 1336.

Mr. DAYTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for procurements in contravention of the Buy American Act)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

Mr. DAYTON. Mr. President, this amendment reaffirms that all money appropriated under this bill will be spent in conformity with the Buy American Act. It is an amendment which passed the House and will be included in that bill.

As my colleagues know, the Buy American Act was established in 1933 and has been in force since then, with only two substantive amendments during that entire 70 years. It is an economic stimulus legislation. It is meant to encourage the purchase of goods made by Americans in America, using American materials and labor.

I cannot think of a more suitable time for this to be honored than now, with over 3.1 million jobs lost in the private sector of the U.S. economy since this administration took office. I will repeat that staggering number.

Over 3.1 million Americans have lost their jobs in the private sector of our economy since January 2001.

So it is entirely appropriate that we use public dollars that are being appropriated for essential public purposes such as homeland security but that we also add a perfectly legitimate public purpose, which is to generate as many jobs as possible through the expenditure of those funds in the United States of America.

There are exceptions in the existing Buy American Act to permit the purchase of goods or services if these conditions apply. The head of the procuring agency, in this case Secretary Ridge, could waive these requirements if he determines they are inconsistent with the public interest, which means he has broad latitude and discretion to determine that, for any legitimate reason, this act should not apply to a particular purchase.

Second, if it is unreasonable in cost. If the domestic product is of an unreasonable cost, then a foreign product can be purchased.

Articles that are purchased for use outside of the United States, or articles that are procured for military bases, leased from foreign governments, are not covered under the act, or if they are not produced or manufactured in the United States in sufficient and reasonably available commercial quantities or of satisfactory quality.

There is latitude to assure that none of the intent of this appropriation, which the distinguished chairman of the subcommittee, the Senator from Mississippi, and his colleagues have assured, that would require any compromise with the intent of providing the maximum possible protection to our fellow citizens. But it does say that, when possible, we will be consistent with that intent if we are also trying to provide American jobs.

Why is this necessary if it is already in law? This administration has demonstrated that it is not particularly a fan of this particular act. The Secretary of Defense in the Defense authorization bill—the Armed Services Committee, of which I am a member—was successful in getting the application of that act significantly weakened as it applies to the Department of Defense and the military branches. I do not want to see that happen with the Department of Homeland Security. This is an opportunity for Congress to make it very clear that this act will be enforced; that we expect it to be followed; that we want it to be utilized wherever possible because we want to put Americans back to work.

I know in my home State of Minnesota, the greatest imperative for the well-being of our citizens, as well as the recovery of the Minnesota economy and the budget crisis our State is going through, comes down to jobs—jobs, jobs, and jobs; American jobs; good paying, hopefully benefit-providing, pension-providing American jobs. That is what this amendment reinforces. I urge my colleagues to support it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this provision is carried in the Treasury appropriations bill in the section on general provisions. Even though this amendment is not necessary to be on the Department of Homeland Security appropriations bill, I have no objection to it being carried on this bill as well. So we are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the chairman for his acceptance of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1336.

The amendment (No. 1336) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. DAYTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1341

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 1341.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to increase maritime security)

On page 49, line 2, strike ''$150,000,000'' and insert ''$450,000,000''.

On page 66, line 9, strike ''$823,700,000,'' and insert ''$523,700,000,''.

Mr. HOLLINGS. I will be delighted to read the amendment: On page 49, line 2, strike ''$150 million'' and insert ''$450 million''; and on page 66, line 9, strike ''$823,700,000'' and insert ''$523,700,000.''

What happens on page 49? We add $300 million to the port security provision to which everyone has attested that they support. When we asked Secretary Ridge about more money, in that they had not proposed anything in this particular Homeland Security bill, he said, well, that is in the critical infrastructure section. So that is where we take it from as an offset on page 66, line 9, strike the $823,700,000 and reduce it by $300 million.

This ought to be an easy amendment for everyone to support in that, No. 1, we all voted for way more money when we passed the authorization for port security the year before last. We had 100 votes, all Republicans and all Democrats. And then we had the urgent supplemental—incidentally, that authorized $4.2 billion. We are not talking in those terms at all.

Actually, the Coast Guard surveyed 47-some major ports—there are 362 ports and 5,000 facilities—but there are 47 port areas with which we really are concerned. In those port areas are some 500 different facilities. So at that particular time, we said to the Commandant of the Coast Guard, give us a study and find out exactly what is needed. He came up with a $7 billion figure at that particular time.

So we are not at the $7 billion that has already been requested and found needed by the Commandant of the Coast Guard, not the $4.2 billion authorized at the time we passed port security legislation and we actually provided $1.2 billion. We had an amendment for $1.2 billion. It was defeated in the urgent supplemental, but when we looked at the Homeland Security appropriations bill, the administration did not request anything under port security. When asked about it, they said that is in the critical facilities section, and that is why we take from the $823 million this necessary $300 million.

Why do I say it is necessary? Right to the point, the interim rule requires the submission of security plans by December of this year. I will limit my comments to the 47 port areas and not the 5,000. This is required by all 5,000, but like first responders I think we will all be around for quite some time before we get the first responders outfitted as they should be. But here we know of the threat, and of the 47 port areas, they are without any approved plan within 1 year from July 1. And they must have the plans submitted in 6 months' time because by next July 1, if they have not been approved, under the bill the Coast Guard has the authority to close the port.

What has happened is the ports have all gotten together. The captain of the port under the Coast Guard is the responsible official. He has had to get the Immigration Service. He has had to get the Customs Service. He has had to get the Drug Enforcement Service. He has had to get local law enforcement. He has had to get the local public facilities, port facilities. He has had to get the private port facilities. This young officer out of the Coast Guard has had to correlate it all, working together to get a master plan for the security of that port area, and submit it by the end of this year—within 6 months time.

When he submits it, of course, the Coast Guard itself has to approve or disapprove the plans coming in from all over, from 362, but particularly these 47 ports, and they have to begin to implement them.

In terms of a major port in Houston, TX, Long Beach, CA, Seattle, WA,

Philadelphia, PA, we are talking sense now, we are not talking politics, if we think we need a little bit more in our area for port facilities. I am in pretty good shape where I am in Charleston, SC. Since they closed the Navy yard there, I suspect al-Qaida would be looking for a more ripe target. They would be looking at Philadelphia, for instance.

What could happen? We know Osama bin Laden, according to Lloyd's of London, has control of some 20 vessels. He actually owns some 10 vessels and he has control of an additional 10. So he has control of some 20 regular vessels, what you might call rust buckets. It was one of these that went into a port in Kenya 3 years.

What happened was that particular ship docked at the port in Kenya. The terrorist crews jumped off, went and blew up the American Embassy in Nairobi, and went over into Tanzania and Dar Es Salaam and blew up that embassy, got back on the ship and boarded, and we have not been able to find them since.

That tells me—and I used to represent the ports in South Carolina—what we have is not just the ship but we have ship crews available to al-Qaida. Osama bin Laden can easily get three to four. He does not have to send them to flight school in Arizona or send them down to Florida. He has them. They are experienced tanker crews. These three or four experienced tanker crews could work their way into a good Exxon or Texaco or Unocol or other oil company, a Chevron tanker, come with that Shell tanker into the port of Philadelphia, up the Delaware River, and just before they reach port, the three or four could throw the captain over, take control of the ship, and ram it right into the tank farm, and blow it up.

Booz Allen Hamilton did a study; and if there was a major terrorist act at the ports, we would have to close down the eastern seaboard. The stock market would have to close. We are talking serious business. And here it is that we, as a public body, have set the responsibility with the Coast Guard, the Transportation Security Administration, and the Homeland Security Department. We have said come up with plans and have them ready and approved by this time next year, but at least submit them and have them gone over with, starting in December of this year. That money is needed—not the $4.2 billion authorized. I don't know of any more critical thing.

I worked on Homeland Security with our distinguished chairman, Senator COCHRAN. Actually, I had the U.S. entry and exit program. That was under my Subcommittee on Commerce, Justice, State. I am totally familiar with the FBI, the Immigration Service, the Drug Enforcement Administration, and many of these particular customs. But this particular port thing is real because it is mammoth and it is a way to close down the economy for a year to 2 years on the east coast. There is no question. Go into Houston, TX, and you have ruined the south. We would have to start rationing. Go into Long Beach, CA, and you have closed down the west coast area.

I worked with all the committee members as best I could. I said there is no other place to find funds, other than what Secretary Ridge himself indicated when we asked why they didn't submit an amount for port security itself. He said it already is in the critical infrastructure facilities program. So we take that money out of there, and we get it an offset. Of course, working on the committee, that really takes us to some need that is denied in any other area. We can increase that amount. We will be working with an increased amount, hopefully, when we get to conference on Homeland Security.

As the distinguished chairman and ranking member know, we must have more money in Homeland Security. We must have more money in our little Commerce, Justice, State bill that has been cut $910 million, way below last year. We could not go into conference with our House friends and formulate a bill and take care of the FBI and all of the other agencies. Just yesterday, the FBI was increased in this year, $410 million on the House side. I believe if you proposed that amendment in the next 10 minutes on the floor of the Senate, it would receive an almost unanimous vote. We do not want to cut from the FBI that is enforcing laws against crime.

FBI Director Mueller is doing an excellent job fashioning domestic intelligence efforts. We never wanted to have that in America, particularly after the McCarthy days and the House un-American Activities Committee. We said, learn and study and make absolutely certain that we are not spying on each other and having a domestic intelligence service. Now, with the war on terrorism, we need it. That has to be funded.

This is for just a modest request of the billions and billions included for fighting the war on terror. The former Commandant of the Coast Guard and now the head of the Transportation Security Administration, Admiral Loy, is doing an outstanding job.

We had a debate within the committee to try to get a sufficient amount just for the transponder tower. An airplane cannot approach the coastline of the United States of America without us identifying it. We cannot do that with respect to shipping. We are trying our best to use some overhead satellites, but we need to put up the towers.

Once the towers are there, then we can require the vessels themselves to install the transponders.

As of this moment, we have to get these plans and we have to get them moving. The communities are moving. They are ready, willing, and able. They are submitting some of these plans already at the Coast Guard office in the Transportation Security Administration. But we do not have the money to follow through. This is an unfunded mandate of our own that we want to at least set aside this particular amount, not to solve all of the ports problems by any manner or means, not to solve all the docking facilities' problems. That would be impossible. You could not spend that amount of money in 1 year's time. But at least we will need these funds in fiscal year 2004 to follow through to get port security in America. The fiscal year begins in a couple of months time, on October 1. It is critical.

I yield the floor and I am glad to respond to any questions or comments anyone has.

Mr. COCHRAN. Mr. President, the distinguished Senator from South Carolina has raised an interesting question with the amendment that he has offered. He proposes to add $300 million for the Port Security Grant Program administered by the Transportation Security Administration and to take that money from another part of the bill—$300 million from the Information Analysis and Infrastructure Protection Directorate. This is the Directorate that has the responsibility to conduct assessments of critical infrastructure to protect cyber-security in that structure, and to provide the ability to deal with the Threat Alert Advisory System.

The total provided in the bill for Information Analysis and Infrastructure Protection would be reduced from $823.7 million to $523.7 million. I am advised that this would deal a severe blow to the Department of Homeland Security efforts to provide the assets needed to protect our Nation's critical infrastructure.

Let me also observe that this was an amount that was included in the amendment we dealt with yesterday offered by the distinguished Senator from West Virginia, Mr. BYRD, although in the amendment offered by the Senator from West Virginia, he would have increased port security grants by $460 million.

The amendment of the Senator from South Carolina proposes to increase it by only $300 million.

But let me put in context what a substantial increase that is and what a difficult time the Transportation Security Administration would have in wisely and thoughtfully disbursing those grants to ports throughout the United States.

Let me illustrate that by suggesting that we already have $100 million in the bill for next year's spending. But we already appropriated $365 million in fiscal years 2002 and 2003. Of the $365 million already provided by Congress to the administration for these purposes, only $260 million has been obligated by the administration.

So we have a proposal to add $300 million on top of an account where we have $105 million that is unobligated.

How much we can spend is a question we can ask, but we must also ask how much we can spend wisely in a coherent and thoughtful way.

If you are a port director out there and the word goes out that the Transportation Security Administration now has over $400 million to spend for these grants, you better get a grant application in. If you get it in quickly, you will probably get it approved whether you need it or not, or whether it is a good request or a thoughtful request.

I am not suggesting anyone would send in something like that, but the whole point is if we create an atmosphere where there is a rush to Washington for the money and there is more money up there than they can spend and the word goes out across the country to that effect, we are not contributing to national security or to homeland security; we are contributing to the disarray that this agency would be in in trying to deal with the applications in a thoughtful and careful way.

I am hopeful the Senate will look very carefully at this proposal. I suggest it should be rejected. I don't think we are going to measure the success of this bill with whether or not we spend as much as we possibly can but whether we have spent what we need to spend this next fiscal year. Of course, more money is going to be needed later. You can't do it all in 1 year. They haven't been able to spend the money we appropriated last year.

Think about that. Now we are going to add $300 million more to a $150 million account.

I just think this is piling money. It is going to create a big pile of money and maybe create a false impression of security. Appropriating the money is not going to improve our security. It is the things we do with the money and how it is spent according to a national plan.

I am hopeful we can monitor as we go along how the administration is spending the money. It would be good to know from the Transportation Security Administration why they haven't been able to get the money out that we previously appropriated. What is the reason for that? It would be good for us to be able to describe that now. Maybe somebody from the Transportation Security Administration can call us and tell us why they haven't spent it. That may help us put this amendment in context.

But I am hopeful we will help ensure before we appropriate an amount like this that the Transportation Security Administration is able to make the assessments and judge the quality of the grant applications that it receives to be sure the money is being disbursed where it needs to be disbursed as a matter of national security priority.

I don't think we have the capacity in the Congress to decide the priorities among the different ports. Obviously, some port directors have suggested they need more money than they are getting—that the money that is available is not enough.

I am sure the reason behind this amendment is the impression somebody created.

But I am not sure we have the information available to us right now that is convincing enough to take $300 million away from infrastructure assessment and analysis and shift it from one Directorate to another Directorate. We may be undermining a very essential part of the effort of planning and assessing priorities and establishing priorities if we move $300 million from one account to the one suggested.

I am not sure we can say or we have the evidence that we are now retargeting the money in a way that is consistent with our overall national plan. The administration says they don't want this amendment approved. They do not want the $300 million shifted in the way that the Senator from South Carolina suggests.

I think we should give them the benefit of the doubt. I am not the Secretary of Homeland Security. I don't spend all day every day working to discharge the responsibilities that Secretary Ridge has, that those who work with him have, and the heads of the Directorates who have been given the power and the responsibility to manage the authorized activities that we put into law when we created this new Department. We have a lot of other things to do.

I am on five subcommittees of the Appropriations Committee. We have to deal with the Interior Department's funding. We have the Department of Agriculture.

My friend from South Carolina has served as chairman of the State, Justice, and Commerce Appropriations Subcommittee. There are a lot of other areas that you have to become familiar with and concentrate your attention on to discharge your own responsibilities as a member of this committee. The Homeland Security Subcommittee is just one of 14 different subcommittees that we have in the Appropriations Committee.

The point I am making is that we have to give credit to the administration and those people who have been appointed by the President and selected by Secretary Ridge to help them carry out these responsibilities in developing a national plan, assigning priorities in submitting a budget request, and defending it in hearings before our committee.

I think we have done a reasonably good job of trying to assess how we divide the money that has been allocated to our subcommittee. Everybody wants more money. There is no doubt about that. I haven't had a single request saying don't give us the amount of money we asked for in the budget resolution. The impression you get from everybody is that they could use more money. But how much more?

Mr. President, $300 million is a lot more for this one agency, this one administration entity, the Transportation Security Administration, over and above what we put in the bill, and more than they have been able to spend in the last fiscal year. The fiscal year is almost up. We are well into the year 2003 and they have over $100 million they have not obligated.

Let's give them $150 million for this next year. We will monitor carefully the use of those funds. We will monitor the needs that are submitted in the form of grant applications from around the country. We will ask them to give us a report as to why they are choosing some applications for approval and funding over others, what are the criteria.

But to come in now and say, we know better than what they are doing, we know better than what they are suggesting, we know better than what the administration is asking for, to the tune of $300 million for this one agency, I think is too much, is going to hurt one agency to try to help another. And we just do not have the facts to support it.

So with great reluctance, I urge the Senate to vote against this amendment. I have a tremendous amount of respect for the distinguished Senator from South Carolina. He is one of my best friends. I have admired him a long time. I know he has approached this in a thoughtful way, and it hurts me to say I just think he is wrong and I believe we ought to defeat the amendment.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I appreciate the complimentary remarks but you can't any better describe the Senator's resistance and objection to the amendment other than as fanciful. He goes off into all of the committees. It is very interesting to hear him in opposition to this amendment say that we have five subcommittees. Each of us have five subcommittees on the Appropriations Committee. There is nothing new about that. Yes, that is what it is, the appropriations for the entire Government.

Here is some $29 to $30 billion we are expending for homeland security. I am talking about one particular section where they have facilities-based critical infrastructure. When asked, Secretary Ridge said: Well, that's the way it is. We are going to take care of it. We are going to take care of it. But when we received the budget, it was not taken care of.

I am not guessing with figures. The $300 million is just a minuscule part of the $1.7 billion request sitting on Admiral Loy's desk. I wish he would call up and get his staff to work and find out the facts.

We started off with $1.2 billion, and the ports came in reuqesting $1.7 billion. Well, it takes the Coast Guard and it takes the Transportation Security Administration some time to look over, in detail, these particular submissions of $1.7 billion. This amendment is just to get it started with $300 million.

To say that we would create an atmosphere of waste, that we would contribute to disarray, that we may be undermining the process—come on. What nonsense is that? Here we worked on this thing in a bipartisan fashion. We had 100 Senators—all Republicans and all Democrats—approve $1.2 billion. The Coast Guard itself comes in and says, in order to meet the request, the needs for port security, it is going to be at least $7 billion.

They have on their desk, as I speak, $1.7 billion in requests. And he says, we don't have the information and that this might contribute to disarray. Come on. Disarray? It contributes to security. He said it would be undermining the process and contribute to insecurity. I never have heard such an argument in my life, when we have the actual facts and we minimized the request that we know is absolutely needed.

They can vote it down. We are not the Mother Superior Security around here. But I do have a conscience about this issue because I worked with all sides of the aisle. I worked intimately with Admiral Loy. I work now with Admiral Collins of the Coast Guard. I have been to the ports. We have had, under the leadership of Senator BREAUX of Louisiana, field hearings to all of these particular ports and everything else.

We don't really begin to get true security but this is just the minimal requirement to get the process out and working. He says they are wisely, thoughtfully disbursing. That is exactly what we are doing, trying to get the disbursement of the funds there. They are hanging back because they can't get the studies made, and everything else, and can't go out and examine the ports, and what have you. They don't have all of the personnel. They don't even have the towers up for the transponders.

You could talk for the rest of the afternoon about the needs of the Coast Guard. They are the best agency we have in the Government for the money we spend. I can tell you that right now. The Coast Guard is outstanding. They have said: Our appraisal now is for at least $7 billion. And that was last year at this time. They have requests on their desks for $1.7 billion and all we are asking for is $300 million.

We hear how we all have five subcommittees and every subcommittee wants more money, and this is just asking for more money because we have a subcommittee. Come on. That is not responsive at all.

I hope the Members will act in the security of the ports of the United States and approve this particular amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I rise in support of the amendment offered by Mr. HOLLINGS.

The Coast Guard estimate on the first year cost of implementing the port security standards was $1.1 billion. That was the Coast Guard estimate: $1.1 billion. Let me say again, that was the Coast Guard estimate.

Let's see how much we provided.

Previously appropriated: $365 million; the committee bill, $150 million; the Hollings amendment, $300 million—making a total of $815 million. So $815 million, even including the amount in the distinguished Senator's amendment, is still well short of the $1.1 billion that the Coast Guard estimated would be the first year cost.

I note that the Department received over $1 billion of applications. So the Department can spend this money. It can spend this money well. The only reason that the Department has not spent all of the money that was approved by Congress last year is that the administration refused to spend the money. They did not get their act together and agree to spend the money until Congress directed them to do so in the April supplemental.

We are talking about national defense here. We are talking about defense of the homeland. We are talking about homeland security. That is the most important part of national defense: defense of the homeland. Oh, we spend $1 billion a day for national defense, not including homeland security—$1 billion a day, a total of $368 billion for this next fiscal year. That is $1 for every minute—I am looking at my watch—that is $1 for every minute since Jesus Christ was born. I have already been speaking for a minute. It takes me 5 minutes to say, ''Good morning, how do you do?'' But $1 per minute for every minute since Jesus Christ was born.

We spend $1 billion a week in Iraq. We invaded a sovereign state without being provoked to do so. That sovereign state did not attack us. But under the preemption doctrine of the Bush administration, we attacked, we invaded a sovereign state that had not provoked us, that had not attacked us and was not and never has been, never has constituted an imminent threat to the security of the United States.

I voted against that resolution on October 11 of last year. I am proud I did so. I don't back up one centimeter in the statements I made at that time when I said that contrary to what the Bush administration was saying, contrary to what the President of the United States was saying, Iraq did not constitute an imminent threat to the security of the United States. It didn't then. It doesn't now. And it hasn't at any point in between. I said it then. I say it again. Yet we are spending $1 billion a week in Iraq. We ought not to have been there. We ought not to have sent our people over there. But we can save that for another day.

I am a minuteman when it comes to discussing that subject. If I had been living in 1775, I would have been one of the members of Captain Parker's minutemen who assembled on the green of Lexington. No, we had no business sending half of the combat-ready brigades in our Army, half of the total number of brigades. We have 33 brigades; half of them, 16, are in Iraq. And then we talk about spending money here to protect our ports, and it is too much money to spend? No.

I compliment the Senator from South Carolina on his amendment. We are getting men killed over there daily, on the average of one a day in Iraq. How long, how long are we going to continue to spend $1 billion a week in Iraq? How long are we going to see the body bags of American men and women coming back from Iraq, a war that we should not have fought? There was no reason to fight that war.

Now, with respect to the amendment, the Coast Guard has estimated that it will cost the ports $5.4 billion during the next decade to implement Maritime Transportation Security Act standards, including $1.1 billion this year. Yet the President did not request one dime for port security. This amendment would increase port security grant funding from the $150 million contained in the bill by $300 million. This would provide a total of $450 million for this program.

As I noted yesterday on my amendment, the Commandant of the Coast Guard testified before the House authorizing committee, on June 3, 2003, about the implementation of the Maritime Transportation Security Act legislation. He said:

> The regulatory impact on the Maritime industry will be significant, and the time line for implementing the new robust maritime security requirements is exceptionally short.

However, the administration, while aggressively supporting Federal security funding for the aviation industry, has failed in four straight spending requests to include a single penny for port security grants, even though 95 percent of all non-North American U.S. trade enters our 361 ports around the Nation. This year, the Transportation Security Administration received over $1 billion of applications from the ports for limited funding that was approved by Congress last year. There clearly is a demand from the ports for help to harden physical security to reduce the Nation's well-documented seaport vulnerability.

The Hollings amendment addresses what many experts view as the greatest vulnerability in the Nation's defenses here at home. During the Senate Appropriations Committee's Homeland Security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports are the only part of an international boundary in which the Federal Government invests no money in terms of security.

''Most ports,'' said Stephen Flynn, ''the best you can get is a chain-link fence with maybe, maybe some barbed wire.'' That was Stephen Flynn testifying before our Appropriations Committee in April a year ago.

Who is Stephen Flynn? Well, let's see. Stephen Flynn was testifying before the U.S. Senate Committee on Appropriations. Stephen Flynn is a senior fellow, a Ph.D. senior fellow, national security studies, Council on Foreign Relations. He said he had just retired from the Coast Guard after 20 years of service the previous March 15. And he had assumed the position as the Jeane Kirkpatrick Senior Fellow for National Security with the Council on Foreign Relations.

He concluded his testimony by saying this, calling attention to the need for security at our ports:

This is a problem of the very first order. This is not a low politics issue. This is a problem that should not just be keeping me awake at night. This should be one that the Secretary of the Treasury, the Secretary of Commerce, the U.S. Trade Representative, and certainly the President of the United States should be deeply concerned about because what we are talking about is the sustainability of global commerce and those on-ramps and off-ramps at our ports, and they do not have security right now.

So there you are. It should not only be keeping these eminent personages awake at night, it should be keeping us Senators awake at night. And it may do so at some point. I hope not.

Madam President, I laud the distinguished Senator from South Carolina on his amendment and on his statement in support of the amendment. He is not a Johnny-come-lately on this matter. He is the ranking Member of the Senate Committee on Commerce, Science and Transportation, and on our Appropriations Committee he is a man of great seniority and experience. He has been chairman and is now ranking member of the Subcommittee on Commerce, Justice, State. So he lacks nothing when it comes to experience. He is from a State that has great seaports. He has been talking about this particular matter for many months. So I salute him and I again compliment and thank him. I support his amendment.

I yield the floor.

Mr. NELSON of Florida. I want to express my strong support for Senator HOLLINGS's amendment to strengthen security at the Nation's seaports.

Improved seaport security is an absolutely essential part of homeland security. Many of the Nation's ports are woefully insecure and are located in or near densely populated urban areas. A weapon of mass destruction could be delivered by a cargo ship and unleashed on tens of thousands of Americans before authorities could react.

Such an attack would also be trouble for the economy. A major incident at one of the Nation's largest seaports could have a dramatic impact on the flow of goods in and out of the country, which could in turn weaken the already soft economy.

Florida's 14 deepwater seaports handle roughly $47.6 billion of water-borne commerce each year. That figure represents almost two-thirds of the State's international trade in 2002. Florida's seaports handle roughly 115 million tons of international and domestic commodities as different as cars, apparel, steel, bananas, petroleum, and computer products.

Most of these goods pass into the country uninspected, because the Nation's ports lack the manpower and technology needed to inspect every container. In fact, only 1 to 2 percent of all cargo coming into this country is inspected. That is unacceptable.

What can we do to solve this problem?

The Coast Guard estimates the total costs of implementing security at state-owned and private seaport facilities will exceed $7 billion over the next 10 years. We should acknowledge the Coast Guard's expertise by allocating a significant portion of the $7 billion they recommend is necessary to tackle this problem. And we need to commit to providing the remainder in a timely manner.

In short, we can't address the port security problem soon enough. The $262 million already allocated by DHS is a modest start, but the committee's fiscal year 2004 commitment is not sufficient. Shortchanging our ports this year will only slow the process of upgrading the Nation's port security enhancements over the long term.

I ask unanimous consent that my statement appear in the RECORD prior to the vote on the Hollings port security amendment to H.R. 2555.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, the statement has been made by the chairman that the administration opposes this. I wonder. I will go right to the text of the distinguished Senator from West Virginia on Iraq. A few comments are necessary when you say the administration was saying various things to get us into the war in Iraq. Now we find out not just one swallow makes a spring, but one 13-word sentence got us into the war. We heard that in 45 minutes Iraq could launch a chemical attack. We heard about the aluminum tubes.

We had the distinguished Secretary of State at the U.N. with photos pointing out that there they are, can't you see? You knew he was a judicious and careful witness up there. You had—well, of all things, not just the yellowcake from Niger in Africa, you had the Vice President of the United States, DICK CHENEY, say just days before the attack in Iraq that they had indeed reconstituted nuclear. And I worked with the Presiding Officer in Transportation, which I will get to in a minute, when she was Secretary of Transportation.

But getting right to this particular point, I didn't have any fear about any imminent attack on the United States or maybe an imminent attack in the Mideast, on our friend Israel. Israel doesn't have time to play games. If you have ever been there—the numerous times I have been there, with an air alert, within minutes the planes alerted in Israel are found over Jordan, or over the Mediterranean, or over Syria. They are gone. They have left the country. The country is in a sense, a sort of aircraft carrier. So they cannot play around with conferences.

There isn't any question on the credibility of the so-called statements that the administration said, the administration requested, the administration demanded, the administration vetoed. I think the poor President has a hard time getting along with his staff on the information he gets. First he said the Director of the CIA was responsible; he had him apologize. Now he says a White House national security staffer is responsible; he had him apologize. We will pick up the morning paper and find it was somebody else. But he put the picture on his own White House Internet site of him going over every line, word for word, in the State of the Union, with his own hands. I wish I had that in my pocket. I would submit it for the RECORD so everyone could see it.

So don't give me this about the administration. The best of the administration wants this. The head of the Transportation Security Administration cleaned that agency up, frankly, after we instituted it. We had a rather inept administrator there at first, and I speak in praise of Admiral Loy, because he came over from retirement as commandant of the Coast Guard. I have been with him on hearings and on field trips. As the distinguished Senator from West Virginia pointed out, there is over a billion-some in requests by him. This would only get us a little of what he needs.

Who speaks for the administration on homeland security? Not those amateurs in the White House who, in tomorrow's paper, will apologize for whatever they said, or whatever they forgot, or whatever they didn't know. We know. We have studied this thing. We tried and we got, in a bipartisan fashion, 100 senatorial votes, Republican and Democrat, $4.2 billion. Since that time, Admiral Loy said the need is going to exceed $7 billion. Since that time, on his desk are requests for $1.7 billion. Obviously, he is not going to respond to every one of the requests. He requested $1.2 billion. These are facts.

So when the distinguished chairman says you have to wisely, thoughtfully disburse, that is exactly what we are doing—wisely, thoughtfully, and in a minimal fashion, as we are not getting what factually has been requested. So I dissent from the expression that we don't have the information. I resist the idea that this particular amendment may undermine the process and contribute to the insecurity, when we backed up with needs and everything else around here. I have been working since 9/11 on trying to provide for the

particular needs of the ports—and these are the major needs of the major ports.

When you talk about a member of a subcommittee and every member wants more money for their subcommittee, this is not that at all. This is something we worked on in the Transportation Committee.

As the distinguished Presiding Officer knows, when she was the Secretary of Transportation, we worked in a bipartisan fashion on the Reagan National Airport. We did a lot of good things.

I have worked in a bipartisan fashion. I have not worked around here on port security because we just think, since I am a member of a subcommittee, I want to put in an amendment and get a little bit more money. We are behind the curve on port security in this country, and I am worried about it, in all candor.

This is a minimal amendment. I know the staff, and everyone else, including the Department, want more. They have said so and have requested more. I have requested $300 million to be added to the amounts.

I hope folks will in a bipartisan fashion support this amendment so we can get the Transportation Security Administration and Admiral Loy and the Coast Guard some financial support to get these funds administered and disbursed and get security in the ports of America. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, there has been much made about the suggestion from the Coast Guard that we should have over $1 billion available for port security activity. Let me point out that in fiscal years 2003 and 2004, several other agencies of the Department of Homeland Security, other than the Transportation Security Administration, have been provided funds that are to be used for port security activities. The Coast Guard itself has been provided up to $888 million in 2003, and it is provided $1.201 billion in this bill.

The Bureau of Customs and Border Protection has been provided $170 million for increased personnel at maritime points of entry, and $33 million is available in this bill for all ports of entry, including seaports, for the container security initiative. All have been funded in a total amount, if we add it up over 2003 and 2004, of $3.29 billion available for the security of our Nation's ports.

We are doing our best to allocate the funds to those agencies within the Department that can help us secure our maritime ports. I hope the Senate will agree with us, but it is now time for the Senate to work its will.

I move to table the amendment of the Senator from South Carolina, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—50

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bingaman	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	

NAYS—48

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Boxer	Feinstein	Murray
Breaux	Graham (FL)	Nelson (FL)
Byrd	Graham (SC)	Nelson (NE)
Cantwell	Harkin	Pryor
Carper	Hollings	Reed
Clinton	Inouye	Reid
Collins	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kohl	Snowe
Dayton	Landrieu	Stabenow
Dodd	Lautenberg	Wyden

NOT VOTING—2

Kerry	Lieberman

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote and I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from North Carolina.

Mr. SCHUMER. I am flattered. Although I love New York, I have never been told I come from anywhere south of Washington, DC.

The PRESIDING OFFICER. I apologize to North Carolina.

Mr. SCHUMER. I was trying to be nice, Mr. President, but I guess that does not pay around here these days.

AMENDMENT NO. 1343

Mr. SCHUMER. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1343.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the funds for research and development related to transportation security, and for other purposes)

On page 49, beginning on line 14, strike all through line 19 and insert the following:

For necessary expenses for research and development related to transportation security, $200,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices: *Provided further*, That of the total amount provided under this heading $70,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

Mr. SCHUMER. Mr. President, I hope my colleagues will listen to this because maybe we can get this accepted without a vote. As many in the Chamber know, as does certainly the Senator from Alaska, Mr. STEVENS, to me one of the greatest holes, one of the greatest weaknesses we face as we try to defend our homeland is we are not doing enough to prevent the smuggling of a nuclear weapon into this country. Our greatest nightmare would be that some evil group of people get ahold of a nuclear weapon and put it in a container in a ship and send it to our shores. The devastation that would ensue would be enormous. Unfortunately, there is very little to prevent that from happening now.

We are trying to tighten our general cargo system, but it is not enough in terms of preventing a nuclear weapon from coming into this country.

I sought experts shortly after 9/11 and said, How do we prevent this from happening? They said, There is good news and bad news. The good news is nuclear devices are detectable because they emit something called gamma rays, which pass through everything. The bad news is the only practical detection devices right now are Geiger counters and the Geiger counter has to be held 2 or 3 feet from the object.

You can't go on every container and put a Geiger counter near each crate. It will bring commerce to a standstill. But, they said, the cyclotrons at Brookhaven National Lab and Argonne, our national energy labs, detect radiation 60, 70, 80 feet away. The trouble is, the devices are not practical. They are delicate, they cannot be bounced around, and they are large. But, they said, it should not be too difficult to practicalize these devices and then place them on every crane that loads or unloads a container. It would emit a noise if, God forbid, a nuclear weapon were on board that container, and we could stop it.

Everyone agrees this is a good thing to do. The problem is finding the resources to get it done. So last year the Senate voted for $150 million to do this.

But when we got back from the conference, I think $10 million was left in, which was not close to enough.

I have proposed in this amendment that we add another $70 million to general homeland security research, solely for the purpose of developing these nuclear detection devices. But if my good friend from Mississippi thinks we do not want to add any money into the bill, I would be satisfied with earmarking $70 million of the existing research funds for this very purpose. Although it would take money away from other research, it would not increase the overall amount.

I cannot imagine research that is more needed. As I mentioned, I would be happy to substitute the second amendment which does not raise the overall price and earmarks the money.

All I can say is. God forbid a nuclear device is smuggled into this country; it would be our worst nightmare. The fact we can do something about it and the fact we are not doing enough about it to me is a dereliction of our duty, of our responsibility to make our citizens safe. I want to be able to say to my constituents—I think every Member here does—that every container entering this country has no nuclear weapon in it. By developing technologies like passive detectors, we can make sure that happens. There is not a question as to whether this is feasible. It is not just spending the money and putting it down a black hole. The $10 million that was allocated last year, even though this House voted for $150 million, is too little. The $70 million—I would rather have it be higher, but the bottom line is this. Terrorists know our weaknesses. Right now, let's hope none of them has a nuclear weapon. But, if, God forbid, they did—if, God forbid, they did, they could bring it into this country through one of our ports and have a darn good chance, an all-too-high chance of succeeding.

So I say to my colleagues, there may be no amendment to this bill more important than this one to the future safety of our citizens, our beautiful and wonderful 280 million Americans; maybe no amendment that we vote on this year. This is a quiet issue. It has not garnered that much attention. But it is a vital issue. This should show whether Government can work. Because this is what we should be doing.

I hope my friend from Mississippi will accept this amendment. I would rather not call a vote on it. As I said, I would be willing to substitute for this the offset. But we cannot delay any further. Every year we delay makes it more likely that this horrible situation could occur.

I do not want to be in a ''what if'' mode. What if, God forbid—God forbid—a nuclear weapon were exploded in this country? And what if the next morning we said to ourselves: Why didn't we do something about it when we knew we could?

With that, I will relinquish the floor and hope my colleague from Mississippi and others could work something out here so we could come to a compromise and get this amendment accepted in the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was listening to the Senator from New York to be sure I understood what he was suggesting. He said if I didn't agree to one thing he would offer another thing and I am not sure what he sent to the desk and that is why I decided to go look. From what I understand, the Senator has offered an amendment that would—well, the reading of this seems to add $70 million, or earmark $70 million from the amount made available for research and development to the Secretary of Homeland Security, to award grants to national laboratories, private and nonprivate organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

What he then talked about was a technology he would require to be developed with funds in this amendment to detect nuclear explosive devices that were attempted to be brought into ports or brought into the United States.

The point is, we already have in the bill $55.2 million for a technology center which conducts the research and engages in the work that leads to the development of such protective devices.

I am confused by what the Senator said he is trying to do and what he sent to the desk. I have to be honest.

Mr. SCHUMER. Will the Senator yield?

Mr. COCHRAN. They are not all the same thing. That is my point.

I would be happy to yield.

Mr. SCHUMER. I have taken the first amendment and added $70 million in general homeland security research. But it requires the research to go into port security. The language is not specific. I can make it specific. It was intended to be for the research into these devices. We can get together and make it specific. I don't know why we didn't. We probably should have. But it just earmarks it for port security as opposed to general security.

The second amendment, which I haven't sent to the desk, doesn't increase the overall amount for research and development. But this one does. This would increase it by $70 million. It is not taken from the rest. But the other one earmarks $70 million of the existing $130 million for this very purpose.

If the problem is making the language more specific, I am willing to do that.

I am not familiar. I ask my colleague a question: Where does the $55 million that he is refers to go? As I understand it, there is $10 million we passed last year. But I would be happy to look at that. I have no pride of authorship. I just want to get these devices done.

Mr. COCHRAN. Mr. President, if the Senator has completed his statement, I would be happy to continue. The committee is recommending in the appropriations bill $130.2 million for research and development. The way that is broken down even further as explained in our committee report on page 31, $55.2 million goes to a Technological Center for Research and Development. That is where the kind of work the Senator is talking about is done. An additional $45 million goes to the next generation of explosive device systems. The third category of funding is $30 million which goes to an air cargo pilot program.

The point is the Senator is coming in and adding $70 million to this account without an offset. That is going to violate the Budget Act. Because we have been unable to accept any amendments that are drafted like that, I would be constrained to make a point of order because the amendment would violate the Budget Act. That would be my intention if the Senator insisted on this amendment. If the motion to waive the Budget Act fails, the Senator can offer his alternative.

I do not know how else to proceed to consider the other amendment unless we deal with this one first. I just wanted to make that point.

Work is being done now. I am advised that work is being done now on the kind of research that would lead to, we hope, eventual deployment of the kind of system about which the Senator is talking. But we are unable to earmark that kind of money in this bill without eliminating funding for other research activities which are also underway.

We can't do everything at once. There is just not enough money. That is the rationale for having to make some choices and to allocate the funds as the committee has chosen to do in this bill.

If the amendment the Senator is offering does violate the Budget Act, I am going to have to make a point of order. And the Senator can move to waive it. The Senator can move to waive it, if he so chooses. He has that right.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. COCHRAN. I have yielded the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I first make a point. Yes, there is $55 million for this, but none of that has to be used for nuclear security devices. There is no allocation for any research to be done for this very important part of research.

I have to say, with all due respect, that there are lots of different kinds of research which will be done that don't guarantee any. Last year, we put $10 million in for this, but the Senate voted for $150 million.

But I ask my colleague a question: First, where is this institute? I am not even familiar with it.

Mr. COCHRAN. Mr. President, if the Senator will yield, the technological center is in Atlantic City, NJ.

Mr. SCHUMER. Second, I ask my colleague if we were not to violate the Budget Act but, say, allocate $70 million or some sum within the $130 million for research that should specifically go for nuclear detection devices, would my friend from Mississippi be willing to support something like that?

Mr. COCHRAN. Mr. President, I would not. I am not going to tell an agency of this Homeland Security Department how to do research or where to put the priorities for research. Some of the information about detection of these devices I am sure is classified. I am not going to get into the business of having a public debate over exactly how much is being spent on that. We have asked the directorate if funds are being used to conduct this research, and they say that the research is being done. But, frankly, I don't have a dollar figure that I can tell you as to the exact amount which would be spent in this next calendar year on this subject. But it is less than $5.2 million. We know that.

Mr. SCHUMER. There is $10 million we allocated last year for this. The Senate voted for $150 million. There was no subcommittee at that point on homeland security. Senator STEVENS supported it. But when it came back from conference, it only had $10 million in it.

I think my colleague would understand that this kind of research should not be done in some new institute. There are experts who have done this already at our national energy research laboratories. They can detect radiation. It is just that the device has to be practical, and it is not right now. That is why we need this specific quick allocation.

But if my colleague from Mississippi doesn't want to allocate any specific money for this purpose, whether we violate the Budget Act or not, I guess there is no compromise we can reach.

I would be happy to yield to my colleague.

Mr. LAUTENBERG. First, I commend the Senator for this very thoughtful and very important amendment. I wondered whether the Senator was aware that though we have a research facility in Atlantic City in my State, it is primarily focused on aviation. While they do explosive research, I believe the Senator would agree that this is more intent on examining the result of nuclear explosives—the kind of detonation that would really wipe out a whole port or a major facility.

Is that what the Senator wants to establish—that it is port specific and maritime specific and that we ought to get on with it to protect our ports?

Mr. SCHUMER. I thank my colleague for that point.

I say to my friend from Mississippi that it is probably likely that none of the $55 million of this specific institute, which I am sure is doing a very good job on air research, will do this. Then I say to my colleague—I say to everybody here—to not put any money into this when this is the greatest danger we face is a dereliction of our responsibility. I am willing to offset. I am willing to work. But the $55 million that is in this institute is not going to go to the kind of research we are talking about. Even if they were to give the money to this institute to do it, it would have to reinvent the wheel when our existing research laboratories can do this.

Last year, we had sort of a consensus that we had to do something, but in conference we lost the dollars. We are taking a step backward here. This is what everyone worried about after 9/11—that we would become complacent. From all of the moneys in the budget, we can't find $70 million to do research to deal with perhaps the greatest danger that faces us. That is wrong. That is something we, hopefully, will never regret. But we may.

I say to my colleague from Mississippi that this Atlantic City research center, as my friend Senator LAUTENBERG from New Jersey said, is part of the FAA. That has nothing to do with the research we are talking about. It does a good job.

I ask my colleague, where is this research going to be done?

I say to all of my colleagues, if we don't do this amendment, and we say it is because of the Budget Act, my goodness, we just passed $350 billion in tax cuts without even talking about the Budget Act. And we can't spend $70 million to make our homeland secure from the greatest danger that would face us—greater than biological weapons, greater than chemical weapons? What is the matter with us?

Mr. LAUTENBERG. Will the Senator yield for another question?

Mr. SCHUMER. I am happy to yield.

Mr. LAUTENBERG. If there was a manifest that said ''nuclear weapon on its way,'' could you imagine something like that? We have all these containers. These are hidden boxes. You don't know what kind of cargo is in them. To me, it is one of the more susceptible areas for a terrorist attack of major magnitude. Thus, I ask the Senator, do you know from what part of the budget the $70 million you are proposing be used, which is out of $29 billion and is a very small fraction when you consider the risks that might ensue?

Mr. SCHUMER. Right.

Mr. LAUTENBERG. I understand that is where the Senator is going with this amendment.

Mr. SCHUMER. I thank my colleague for the question. Obviously, this is a real problem. Obviously, we should be doing something about it. And somehow, because the committee, in its wisdom, said $55 million for this and $40 million for this and $10 million for this, and we can't break the Budget Act, we should ignore this problem. Why the heck do we have amendments on the floor? No one objects to the substance, it is just finding room for it.

I would just, once again, say to my colleagues, I plead with you; this is not a political issue for me at all; this is about the safety of America. Let us find some way to find some money.

I am not saying the committee should be omniscient and should have thought of everything. This is one area on which I have spent a lot of time. I can assure every one of my colleagues that the money could be well spent. Every expert says it can be done. And every expert who looks at our budget says it is not being done now or is being done at such a slow pace that we are almost inviting people to harm us.

So I am disappointed—I have to tell you, I am disappointed, whether we violate the Budget Act or not, because I am willing to go either way—that we cannot find one thin dime more for this vital research.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in addition to the research account that the Senator seeks to amend with the amendment he submitted and which is at the desk, the Department of Homeland Security is engaged in a wide range of broad-based research activity under the auspices of the Science and Technology Directorate.

The Transportation Security Administration funding is affected by the amendment at the desk. There is a lot of other research that is being done relating to radiological and nuclear countermeasures. I am convinced that much of what is being done in terms of developing new ways of dealing with the problem the Senator describes is being done under the auspices of the Science and Technology Directorate.

Here are some examples of the work that has been funded over the last 3 years and is being funded again this year in this bill: sensor research and development. This is for radiological and nuclear countermeasures. In 2003, there was $10 million appropriated and enacted; $40 million reprogrammed for this account in fiscal year 2003. Mr. President, $71 million is contained in the Senate bill for sensor R&D. So over that 3-year period—$10 million, $40 million, $71 million—you have $121 million that has been appropriated for sensor R&D.

Also, there are other accounts, such as detection systems product improvement, demonstrations, remediation and consequence management—a wide range of other activities. The total for radiological and nuclear countermeasures for this year alone, in the bill we have presented, is $131 million. In 2003, the total was $75 million. So we have almost doubled the amount for the science and technology research that is being done in this particular area. So this isn't the only account that is available.

Mr. SCHUMER. Will my colleague yield?

Mr. COCHRAN. I am happy to yield.

Mr. SCHUMER. I am not aware, in all the research my friend from Mississippi read off, that any is being done

for the specific thing I talked about, which is to develop not just a nuclear sensor somewhere but nuclear sensors that can go on cranes when they load and unload containers.

Every expert who looks at how they would do a nuclear device here, how they would explode one going into this country—it is very hard to do it on a plane; they are heavy; they can't do it on a truck very easily—you do it in the big containers that come through the ports.

I don't see anything, from what the Senator has read off, to show this is being done. I would be happy to delay for a bit. We could do some research and call Homeland Security and see if they are doing this. Just to read off a number of accounts and say there is research being done, and maybe some of it is being done in the area I am talking about—which I know everyone thinks is important—isn't good enough because this is so important.

So I ask the Senator, does he know of any specific funds that will definitely—not maybe but definitely—go to the research we are talking about; namely, nuclear detection devices to prevent nuclear weapons from being smuggled in, in a container?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Bureau of Customs and Border Protection is another agency that is involved in the research and development of detection and monitoring equipment and devices, particularly at ports. Port radiation detection and monitoring is funded in this bill that is before the Senate in the amount of $90 million. Mr. President, $119 million is provided in the bill for critical equipment at ports of entry, including seaports.

The point is, I am happy to join the Senator in an inquiry of the Department of Homeland Security to try to get an answer that is specific to his question. But I am not prepared to rewrite this bill on the suspicion the Senator has that not enough research is being done on this particular issue.

I think we are doing research on this point, and not at just one center or not at just one research facility. I mentioned the technological center in Atlantic City, NJ. They are doing work in this area that is funded in this particular account. That is why I described it, because it is funded in this $55.2 million account for research and development. And that is what that is. That is under the auspices of the Transportation Security Administration.

But these other agencies, these other directorates are also involved in research over a wide range of activities to more fully and more capably protect our homeland. That is the purpose of the Department. That is why we appropriated these large sums of money, and we will continue to do so.

So I am hopeful the Senate will trust the committee to divide the funds among the competent directorates and administrators of this new Department and to maintain oversight, as we customarily have done, and will do, to be sure they are spending the money wisely.

If the Senator would take my word for it, I would be glad to follow up and monitor the use of these funds to be sure we are doing research for the development of the types of protective devices the Senator described. I think we should be able to do that. I am confident we are doing research in that area. But all I can do is tell you that. I am not in charge of it. There are people who are competent and well qualified who are doing that work. So I am going to resist the Senator's amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the amendment.

Mr. COCHRAN. Mr. President, to save the Senator trouble, I make a point of order that the amendment of the Senator violates the Budget Act. The amendment of the Senator from New York provides spending in excess of the subcommittee's 302(b) allocation, and under section 302(f) of the Congressional Budget Act, I make a point of order against the amendment.

The PRESIDING OFFICER. Is there a sufficient second on the amendment?

At the moment there is not a sufficient second on the amendment.

The Senator from New York.

Mr. SCHUMER. Mr. President, I move that the Budget Act be waived and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion?

There appears to be a sufficient second.

Is there further debate on the motion to waive?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, I ask unanimous consent that the vote on the motion to waive the Budget Act in connection with the Schumer amendment occur at a time to be decided in consultation between the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I came to Washington in 1982 as a Member of Congress. That class of Democrats in the House of Representatives was one of the largest we had in the history of the country, second or third largest class ever. A number of my colleagues in that class are now Members of the Senate, including the senior Senator from Illinois, Mr. DURBIN. Senator DURBIN and I have been friends now for 21 years. He was an outstanding Member of the House of Representatives. He did many things so well.

One of the means set up for Members of the House of Representatives to express themselves is what they call 1-minute speeches. Every morning Senators can speak for up to 1 minute on any subject they want. Senator DURBIN gave some really classic 1-minute speeches. One that people will always remember was one dealing with baseball bats, Louisville sluggers. It was a dramatic speech and interesting, funny.

People may not always agree with what Senator DURBIN says on the Senate floor but I have always believed and always will believe that he is a man of the highest caliber as far as integrity goes. I have served in government for many years. There is no one I would put above Senator DURBIN for basic morality.

Having said that, what I want to do this afternoon for just a short period of time is defend not only Senator DURBIN, the senior Senator from Illinois, who is, in my opinion, an exemplary Senator, exemplary in the fact that he is someone who speaks out for issues he believes in, speaks out against issues he does not believe in, and he does it very well. He is a hard worker. He covers his State extremely well.

I never believed that someone could replace the great Paul Simon, a person with whom I served. He was lieutenant governor of Illinois; I was lieutenant governor of Nevada. We served in the House and Senate together, a person who we all cared about a great deal, a great deal of affection for Paul Simon because of his tremendous abilities and his being a person of great sensitivity.

I have to say that as good as Paul Simon was, DICK DURBIN is as good as Paul Simon. I rise today not only to defend the senior Senator from Illinois but I think to defend every Member of this body. Yesterday the Senator from Illinois took the floor of this Chamber to address allegations that have been made about him by others. Unknown people have been spreading rumors and innuendos that Senator DURBIN, a member of the very prestigious and important Intelligence Committee, No. 1, disclosed classified information; that is, the name of an individual in the NSC or disclosed sites in Iraq. Of course, that is simply not true. Everyone knows it is not true.

When it was shown that there was absolutely no basis to it factually, then people started saying: Well, even though the matters discussed in the very important Intelligence Committee are not secret, when a matter is discussed in the Intelligence Committee is not secret, you still can't talk about it outside the Intelligence Committee hearing room. I think having said that, it pretty well determines that that is an impossible standard to uphold.

Senator DURBIN didn't leak this information. There is no question about

that. I, as every Member serving in the Senate, take an oath upon assuming this office to uphold the Constitution. Every Senator takes that responsibility very seriously. Senator DURBIN takes that responsibility very seriously. It is part of our job, as we represent the citizens of 50 different States, 270 million people. We are Senators from our respective States but we are also United States Senators. We discuss issues and debate differences of opinion. That is what makes this country so great. But also what makes this country so unique is the understanding that the common good of our country is more important than the political differences, the realization that we all respect one another enough to tell the truth even when we disagree on an issue.

No one should ever suggest that Senator DURBIN doesn't always tell the truth. I believe this very sincerely and very certainly. I again repeat, underscore, and underline the integrity of this friend that I have had for 21 years who has served this country extremely well as a Member of Congress for that entire time. So I don't want to speculate as to why someone would be spreading rumors to the contrary.

Senator DURBIN has political opinions, and he is very willing to discuss them. I hope that someone who disagrees with his political opinions would not spread rumors that are without any fact. If anyone has any evidence to the contrary, let them come forward.

But during the time this issue has been fermenting and people have been leaking information, it simply is without foundation. There has been no factual evidence coming forward. We cannot have sneak attacks on the character of a Member of the Senate. They should stop immediately.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1344

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1344.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a report to Congress on the Homeland Security Advisory System, and for other purposes)

On page 75, between lines 5 and 6, insert the following:

SEC. ____. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assignment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

Mr. LAUTENBERG. Mr. President, with this amendment to the Homeland Security appropriations bill, I want to see if we can improve in some measure the terrorist threat warning system that we have in place and make sure that it is working as it is intended.

I believe the current homeland security advisory system—the colorful tiered alert system—does little to reassure the public they are safer as a result of these warnings. Based on reports I get from first responders in my State and experts throughout the country, I believe this advisory system must be reevaluated and improved.

The amendment simply calls for a report from the Department of Homeland Security within 90 days of the passage of this bill evaluating how effective the terror advisory system is in meeting its goals. We are all familiar with this program. There are five levels, ranging from low risk to severe risk. You can see on the chart this color-coordinated presentation. The Department has color coded each risk level to make it easy to understand.

However, I don't believe this color war against terrorists is working. On four instances over the past year, Secretary Ridge has raised the threat level from yellow, elevated risk, to orange, high risk of terror attacks, based on increased terrorist chatter or other intelligence information. Aside from these instances in which the threat level was at orange, the system has been evaluated at the elevated yellow status since its inception in March 2002.

What I want to do now is discuss a series of concerns I have about the color-coded system and its repercussions.

First, the system evokes confusion and fear among Americans who want to respond to the elevated risk levels, but the question they raise is, Should they be changing their daily patterns without advanced knowledge about where or when they vacate their homes, offices, schools, factories, et cetera? Some Americans have stopped going to malls, some avoid public transportation, and many cancel trips. These arbitrary behavioral changes can have a serious impact on our already weak economy.

These are questions we have to ask: Does work stop? Do classrooms close? Does shopping halt, no matter how essential the goods? Should Americans take precautions?

The Department of Homeland Security doesn't tell us. I am not faulting the work they are doing, honestly, at the Department of Homeland Security. This is all still in its formative stages. We don't know quite where it is going to come to rest yet or where it is most effective.

DHS tells us to be vigilant. I don't know what that means. I am sure most of the American public doesn't know exactly what being vigilant means. The system presents high costs to local communities. When the threat level is elevated, local first responders are forced to respond by deploying already overworked police and firefighting people and by bolstering other first response systems without added Federal financial assistance.

When the DHS raises the alert, they provide almost no specific guidance to State and local governments. It requires State and local authorities to make many of their own decisions, or perhaps all of them, on how they should respond. In my State, like the rest of the country, when the alert is elevated to orange, or high, local officials tighten security on highways, railroads, bridges, bus terminals, Federal buildings, and densely populated areas. And this is an extremely expensive undertaking for State and local governments. Cost alone, while important, is not the only factor. Disruption of normal life is a victory for terrorists without any demonstrable benefit to our society.

The U.S. Conference of Mayors recently released new data compiled from a survey of nearly 150 cities nationwide. They estimate that cities throughout the country are spending, on average, nearly $70 million each and every week in additional homeland security costs due to the heightened threat alert level.

These costs come in addition to the existing homeland security spending since 9/11, which the mayors estimated to be around $2.6 billion in the first 15 months after the tragedy. However, this only asks the cities about direct costs. There are also indirect economic ramifications of code orange alerts that diminish tourism and other lucrative industries. The mayor of Atlanta, for example, has said the city's hotel occupancy is down 8 percent and 16,000 hotel jobs have been lost.

There are also innumerable indirect nonfinancial costs of the current terror alert system. For example, when a police officer who is normally assigned to

antigang work, or some other assignment, is reassigned to guard a public building, that is a real serious cost to a city. And also it damages the law and order structure that must be contended with at the same time.

My third concern is that the system is not tailored to give warnings on a regional basis. Increased terrorist chatter may suggest that a major New England city is subject to a possible threat. But small towns in the Southwest are also now asked to respond.

Other nations that face terrorist threats have a more sophisticated localized system. Experts continue to recommend that the United States establish a threat alert system similar to that in Israel, where intelligence or terrorist chatter is translated into specific warnings about geographical areas that might be more susceptible to a terrorist attack. For example, in Israel, threat warnings are easier to understand. For example, the Israeli Government would issue a terror alert for an area of the country such as Galilee. If we have reference to a targeted region in the U.S., we ought to provide specific information. Is it New Jersey? Is it Los Angeles? Is it Des Moines, IA? Where is it? Is it the port that we were discussing before? We have so many port assets in our country that need to be protected against terrorist attack. So where do you apply the pressure? Where do you spend the money?

Four, when the threat level is issued, there is no description of the nature of the threat that can help those expected to respond. We are not going to be naive about this. We are not saying we have information that such-and-such shopping mall is going to be attacked and, therefore, avoid that mall. We cannot be that specific. But we ought to be able to narrow it down from just a general alert across this great country of ours to something that gives people a direction for their actions when they hear the call.

Should the Governors call out their National Guard troops to protect every chemical plant in the country—and there are hundreds of those—or transportation centers, or do they bolster rail security in every place? I do not think so. Again, this is not criticism of a system that is developing against a very serious threat to our society.

Finally—and I believe this is a key point—the system does not provide adequate instructions for the American people or local authorities. When I talk to the police in my area—and before I came to the Senate, I was a commissioner of the Port Authority of New York and New Jersey. They may get a call about something they ought to be on the lookout for, but the New York State capital is in Albany and the New Jersey State capital is in Trenton.

Do they call out their State troopers to cover all of those areas, all those police departments? In New Jersey, we have 567,000 municipalities. Some of them only have two or three policemen. What do they do? We need direction from those who have the knowledge and have the resources to research this.

The Homeland Security Department requires Federal agencies to respond to an elevated threat at the Department's own discretion, but does not issue specific guidance to Americans in State and local governments.

This lack of guidance can cause a lot of confusion and, in some cases, real panic. I have, through the process of these alerts, had calls—less now than I had in months past: Should I go to New York? My children have to travel to school on the turnpike. Should they be on the turnpike? Should we do this and should we do that? In many cases, people want to know whether they should stay home and guard their household and their families.

Lord knows we hope not, and we should take that kind of action. We cannot let the terrorists win by immobilizing our activities. We need to do better. The system has problems that at least ought to be reviewed, and I believe that improvements must be made.

I am not saying we should not spend the necessary money to deploy more police officers to malls, nuclear plants, chemical manufacturing or distribution facilities, train stations, or Federal buildings. I am a firm believer in spending whatever we have to spend to protect our security at home. But I am not convinced the homeland security advisory system is the most efficient way of assessing threat and organizing local response.

On June 6, shortly after the threat level returned to yellow from a Memorial Day elevation to orange, Secretary Ridge himself acknowledged the color-coded alert system needed readjustment. He said to the Washington Post:

> We worry about the credibility of the system. We want to continue to refine it because we understand it has caused a kind of anxiety.

Anxiety is an understatement. The system causes financial hardships, fear, panic, confusion among Americans and people who want to be conscientious about protecting their families, sometimes exaggerating what they ought to be doing and creating a lot of tension within a family, within a household.

Experts warn that with the continuing volleying between orange and yellow alerts there will be a new threat level that we might call fatigue. Secretary Ridge has not offered a time line for revising the system. My amendment will make reviewing this system an important priority for the Department of Homeland Security.

I urge my colleagues to support the amendment. It will send a message to the Department that the alert system needs to be enhanced to increase its efficiency, its specificity, its overall usefulness to first responders, police, fire, and other emergency personnel.

I wish to point out this entails no further expense. A review is common in a situation such as this where such a big change is taking place. I hope everybody will take a serious look at this and think about their constituents back home who have called them, who have written them letters, who asked for advice. Let them ask the mayors in their communities or the Governors in their States what they think.

I want to make sure it is understood. I am not leveling broadside criticism at the Department of Homeland Security or Secretary Ridge. I think he is a very capable executive. We all want to do our best with this issue, spend our money most efficiently, but disrupt life as little as possible.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator has made some excellent points. He has pointed out, for example, the need for a review of the color-coded warning system.

I am pleased to advise the Senator, it is my understanding that the Department is undertaking just such a review at this time. He makes some excellent suggestions about categories of warning or targeted areas of warning. That should be considered as well.

I am willing to take this amendment to conference and urge, if we can convince our colleagues in the House, that there should be a provision in our conference report that encourages this kind of review and requires a report back to the Congress so we can know the status of it and what the expectations are of completing a review, giving us some of the details in a report so we can better understand the progress being made under such a review. That is why I did not ask for the yeas and nays because I am prepared to accept the amendment. I thank the Senator for offering this suggestion.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Mississippi for his support on this issue. I am happy to have it accepted. I wish to point out, in the debate we were having about port security, I have served with the Senator from Mississippi for now 18½ years, and I have never known him not to support our defense or our security needs. I have admired him for his balance in these issues. I continue to do so.

That debate was not intended to challenge the Senator from Mississippi who is managing this bill, but to make sure that the situation we are talking about with the ports which we feel are susceptible, especially in the northeast corner of our country where so much is dependent on port activities, that it is clearly understood. I appreciate that. I am happy to have this amendment accepted, and I ask the Senator from Mississippi to make sure it gets discussed at conference and presented.

I thank the Chair. I yield the floor.

Mr. COCHRAN. Mr. President, the Senator has that assurance. We will try to keep that amendment in conference. We will continue to confer with our friend from New Jersey.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, amendment No. 1344 is agreed to.

The amendment (No. 1344) was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

AMENDMENT NO. 1346

Ms. MIKULSKI. Mr. President, I have an amendment at the desk on behalf of Senators DODD, STABENOW, SARBANES, CLINTON, and DURBIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. DODD, Ms. STABENOW, Mr. SARBANES, Mrs. CLINTON and Mr. DURBIN, proposes an amendment numbered 1346.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount of the appropriation for firefighter assistance grants by $150,000,000)

On page 60, line 1, strike ''$750,000,000'' and insert ''$900,000,000''.

Ms. MIKULSKI. Mr. President, I ask the chair of the Subcommittee on Homeland Security if he has a copy of the amendment.

Mr. COCHRAN. I do not have one yet.

Ms. MIKULSKI. I would like to give a copy to the chairman, just as a courtesy.

Mr. President, I rise to offer this amendment that is in support of our first responders. This amendment would provide an additional $150 million to the fire grant program for firefighter equipment and firefighting training.

What would the Mikulski-Dodd amendment do? Well, first, it would provide protective gear for 150,000 firefighters. It would buy 500 new fire trucks, 300 new rescue vehicles, and 25,000 new breathing masks. But this is not about protective gear and fire trucks. It is about saving lives.

When we talk about homeland security and when we talk about protecting our firefighters so they can protect us, this money is about protecting them. It is so our firefighters are prepared for any attack. It offers double value for the taxpayer, whether it is a terrorist attack or whether we are hit by a tornado.

When these events occur in our community, firefighters are always the first on the scene. We all remember that horrific and melancholy day of September 11 with planes crashing into the World Trade Center and a plane crashing into the Pentagon. It was the Chevy Chase Fire and Rescue Squad, Rescue One, that rushed to the Pentagon from Maryland as part of a doctrine of mutual aid. It was the LaPlata Fire Department that was the first to respond to a deadly tornado last year. It was the Baltimore Fire Department that rushed into a smoldering tunnel fire that cut off train traffic on the east coast. When they went down into that hell hole fuming with toxic chemicals, they did not know if a terrorist had caused it or it was an accident. All they knew was they had to respond in the name of duty.

Well, it is our duty to make sure they have the right equipment and the right gear to protect us. We know they have the right stuff, but they need the right stuff to protect themselves.

This is not something BARBARA MIKULSKI has just concluded. The Council on Foreign Relations recently issued a bipartisan, independent report. It was led by Senator Rudman. Actually, it was not bipartisan. The Council on Foreign Relations does not have parties.

What were their findings? They were absolutely chilling. The report found that the United States remains dangerously ill-prepared to handle a catastrophic attack on American soil. Specifically, it means this, and this is what they found: Fire departments across the country only have radios to equip 50 percent of the firefighters on a shift.

Imagine this: People running up to the World Trade Center responding to a towering inferno. The firefighters will only have 50 percent of the radios they need.

When they go into these situations where there are toxic chemicals like in the Baltimore Tunnel, or whether they are running into a building where they do not even know what is in it—asbestos burning, PCBs burning, the building burning—there is only breathing apparatus for one-third, and only 10 percent of the fire departments in America have the personnel and equipment to respond to a building collapse.

What do terrorists do? They blow up buildings and they blow up people. We have to make sure that when our first responders are there, they have what they need.

We did a survey in Maryland, working with our State fire agency. We need $52 million to provide protective equipment for firefighters in my State. Yet my State is facing a budget deficit of over $1 billion. Services are being cut, tuitions are being increased, and we ask our State and local governments to take on more.

Every time our Nation goes to code orange, our communities go to code red. Since September 11, my city of Baltimore has spent over $16 million on homeland security, including $1.3 million for extra personnel and equipment for our fire departments. In Baltimore, the recent heightened alerts have cost Baltimore City $750,000 in overtime. Maryland cannot bear this burden alone. Because it is a national threat, we have to make sure there are national resources to secure the homeland to provide not only homeland security but hometown security.

There are over 1 million firefighters in the United States of America; 750,000 are volunteers. They are true heroes. They save lives. They save homes. They save communities. We need to make sure we save them. That is what protective gear is all about.

Every day when they are on duty, they do not know what they will face. They might enter a house to save a child trapped on the second floor. They might put out the flames of a building consumed by toxic chemicals. Many of our volunteers work three shifts: Their regular jobs, their families, and at the fire station.

For the help they need, we cannot do this on tip jars, bingo, or charity. They need to be able to have their Government on their side.

It costs over $6,000 to staff a firefighter in something they call bunker gear. Bunker gear means what they need in terms of the protective suits they wear, the breathing apparatus, the special gloves that will snatch a person out, the boots they wear that are fire retardant and fire resistant. That is an awful lot in resources for local communities to bear, and they have to be ready, particularly in high-risk areas, to be able to do this.

Last year, there were close to 20,000 applications for fire grants, and I compliment the Senator from Mississippi, the chairman of the subcommittee, as well as Senator BYRD, for keeping the fire grant program as a freestanding program. My $150 million amendment that I am offering with Senator DODD really goes to the fire grant program. Last year, there were close to 20,000 applicants with over $2 billion worth of requests. The fire grant program, on a merit based, peer review, no pork, no partisan basis could have spent $2.5 billion. What our money does is restore to the $900 million authorizing level.

After September 11 we did a lot. We said we will express our gratitude; a grateful nation will never forget our first responders. In the first place, we should not forget it is in the Federal checkbook. I know the chairman and the ranking member did everything they could to fully fund this program. I compliment them on their efforts. But it would take another $150 million to reach the authorized level.

The fire grant program needs to be expanded. When we look at what we could do in our State, we have a fire department in Anne Arundel County. This county includes the National Security Agency, the capital of the State

of Maryland, the U.S. Naval Academy, and the Baltimore-Washington Airport. Don't they need help for their first responders?

Then there is the Chevy Chase Fire Department. We think of Chevy Chase as an affluent community but they cannot raise these funds from property taxes, fish fries, and bingo. We need help. Maryland needs help because we are in a high-risk area.

I rise not only for my State. I rise for the Nation. We are not prepared. The facts speak for themselves. Our esteemed colleague, Senator Rudman, said 50 percent of the fire departments do not have radios; only one-third have breathing apparatus equipment. They need their bunker gear. That is what it is called. The cost is $6,000 each. Imagine what a public investment means. We give them the right gear. They have the right stuff. They should be able to count on us to do this. We need this amendment.

I welcome the fact that my colleague, Senator DODD, is also a cosponsor. He authorized the fire grant program as the appropriator. We have worked to keep it going. Now it is in Homeland Security.

This is not about process, about who did what. It is about what our first responders do. We count on them to save our lives. They should count on us to make sure they have the right equipment to save their own while they are saving ours.

I yield the floor for my colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank our colleague from Maryland for her leadership on this issue and the tremendous support she has provided in the Appropriations Committee for trying to fund this program.

I appreciate very much her typical graciousness in referring to the fact that Senator MIKE DEWINE of Ohio and I, back in 1999, authored the Fire Act. We introduced the legislation almost 4 years ago. We thank, as well, Senator WARNER and Senator LEVIN. When we had the authorization bill, we were trying to get an opportunity to bring this matter to the floor and we were not given any time to bring up the Fire Act. We were trying to make the case 2 years before September 11, 2001, of the importance of the volunteer combination paid departments, the 33,000 departments across the United States, the needs they had out there. It was as a result of the efforts of Senator WARNER and Senator LEVIN that included the Fire Act in the Department of Defense authorization bill in the year 2000 which allowed us to get the first authorizations approved that led to the appropriations that came thereafter.

To give an idea of the pent-up demand existing across the country among fire departments, well over $3 billion worth of requests came in under the grant program. We allocated something like $100 million the very first year of this program. Some questioned whether there would be any real interest by these departments across the country in applying for grants that would allow them great flexibility in improving their ability to respond to the myriad of problems departments have.

As a result of the success of that first year and the tremendous demand, the Appropriations Committee, under the leadership of Senator BYRD and Senator STEVENS, Senator MURKOWSKI, obviously, Senator COCHRAN and others, over the years has added money to the program.

Although we are offering an amendment to add money, it would be negligent not to recognize the contribution that has already been made to increase the funding for this program over the last several years.

The point the Senator from Maryland and I are trying to make today is that this demand is still growing. We are not suggesting we ought to have a program in a dollar-for-dollar match as in the so-called COPS Program that provided assistance by the Federal Government to local police agencies, local police departments. This is a far more modest program.

But the same principle behind the COPS Program is behind this idea. No longer can we just assume local departments can sustain themselves by raising mill rates or, as the Senator from Maryland properly points out, particularly in rural America, with volunteer fire departments relying on bingo sales, cake sales, and potluck dinners to raise the dollars to provide the equipment and training to deal with the very sophisticated set of problems they face.

The old idea of the fire department racing out to deal with a residential home fire still is a job they must perform but today fire departments are being asked to deal with highly sophisticated materials on the highways. Usually the fire department is the first responder to these situations long before anyone else gets there. It is the local fire department that we herald and celebrate in speeches and rhetoric around the country during days of community celebration. These departments no longer can rely strictly on local funding to provide the sophisticated support they need to respond to the demands they are being asked to meet.

The Senator from Maryland and I—and we hope others, as well—will join in what we think is a relatively modest request to get the funding level up to last year's funding level. Last year it was $900 million.

We realize there are a lot of pressures on the budget and a lot of other demands. However, if we are going to be serious about providing the tools necessary for these young men and women who serve in our fire departments across the country to meet their challenges, we are going to have to do better than we are doing with this bill.

We would not ask our military people to go into battle less well equipped, less well provided for under the circumstances they face today. I don't think we could ask anything less of the men and women in uniform in our fire departments.

For those reasons, we have proposed this amendment. While this was not a number we conjured up, according to the needs assessment study recently released by the U.S. Fire Administration and the National Fire Protection Association, understaffing contributes to an enormous problem. For example, the U.S. Fire Administration and the National Fire Protection Association have found that only 11 percent of our Nation's fire departments have the personnel and equipment they need to respond to a building collapse involving 50 or more occupants.

The U.S. Fire Administration and the Fire Protection Association also found there were routine problems that threatened the health and safety of our first responders. In small and medium-sized cities, firefighters are too often compelled to respond to emergencies without sufficient manpower to protect those on the ground. More often than not, firefighters in too many of our communities respond to fires with fewer than four firefighters per truck. That is considered to be a minimum to ensure the firefighters' safety.

As I said before, we would not send our troops into battle without the equipment they need. We should not be sending firefighters to do battle against natural disasters, fires, acts of terrorists, without the tools they need, as well.

So the Rudman study as well, just released by the Council on Foreign Relations, makes the case. The Senator from Maryland has pointed this out very clearly. There are great gaps in terms of these departments' ability to respond to the sophisticated demands we are asking of them today.

For all the reasons we have enumerated, we are requesting that this body respond by supporting this amendment to increase the appropriations level for these grant programs across the country.

I said yesterday, in supporting the Byrd amendment, the amendment offered by the distinguished Senator from West Virginia to have a larger increase overall, which I regret we did not approve—and I say this with all the knowledge of what the implications may be, but I think we have to be honest with the American public. I wish I could stand here and say: Look, we have done everything that needs to be done and you don't ever have to worry about another 9/11 happening in America. Regretfully, that is just false. That is a false statement. Because the fact is, in the world we live in today, we are going to face these problems again. All of us know that. There is not a single Member of this body who does not recognize and accept that as a reality. That is a fact. That is the ugly kind of world we are living in today, until we ultimately come up with better answers.

We are spending $1 billion a week, $5 billion a month if you add Afghanistan and Iraq—$5 billion a month to deal with the problems of the conflicts in those particular countries. What the Senator from Maryland and I are asking for is $150 million, which gets spent in a couple of days—less than that now, I guess—in these two countries, in Afghanistan and Iraq, in order to make our fire departments better prepared.

I understand what we need to do in Iraq and Afghanistan. We will save that debate for another time and discussion. We have already been through a bit of it already. But we are going to face these problems, and we ought to be doing everything we can within reason. Obviously—and I feel strongly about this—we ought to be doing a lot more than what the Mikulski-Dodd amendment is calling for. This is truly a modest request. In fact, we may be highly criticized one day for not doing more when we knew better. It is not as if we are ignorant about the problem we potentially face. The question is, Knowing that, what did we do?

We will be judged by history and we will be judged by our constituents as to whether or not we had the wisdom and willingness to make the necessary judgment calls on these matters.

We are told over and over again there is not enough money to do this. I politely suggest to those who make that claim that there are resources by merely tailoring back on some of the largesse we provided for some of the most affluent of our fellow citizens who, by the way, would be the first to say: We don't need it. We would much rather see the resources spent on something like this rather than be provided an unneeded tax break for those of us who are well insulated against the economic hardships that millions of others are facing through unemployment.

So don't give the argument we can't afford to do it. We can't afford to do it because we provide too much of a tax break to those who need it the least. But don't tell that to a firefighter who is a one-man or two-man operation, where having a couple of more people with them could make the difference in saving their lives. Don't say that to a family out there who may be the victim of some attack one day, that we didn't have the resources to provide the necessary support they needed in order to respond to these situations.

I regret we even have to offer an amendment. My hope is that those who supported the authorization of this bill—and we have had overwhelming support for it in the years past—will come to the floor at the appropriate time and cast a ballot, not just for this Mikulski-Dodd amendment, or not for those who support it, but cast a ballot for those who one day will say thank you for providing resources for our local departments. That is who you are really casting the vote for, not for a colleague who offers the amendment but for those who are counting on us to do a better job in protecting them.

I urge the adoption of the amendment.

I ask unanimous consent that Senator BIDEN and Senator LIEBERMAN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask that Mr. HARKIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent to have printed in the RECORD two letters of support, one from the International Association of Fire Fighters strongly supporting this amendment, and then another, a joint letter offered by the International Association of Arson Investigators, the International Association of Fire Chiefs, International Association of Fire Fighters, the International Fire Services Training Association, the International Society of Fire Service Instructors, the National Fire Protection Association, the National Volunteer Fire Council, and the North American Fire Training Directors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC, July 23, 2003.

Hon. BARBARA A. MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the 260,000 professional fire fighters and emergency medical services personnel who are members of the International Association of Fire Fighters (IAFF), I write to express our support for your amendment to increase the FIRE Act grant funding by $150 million.

As the recently released Council on Foreign Relations report on first responders documents, the needs of fire fighters and other first responders are great. Over the last two years, the FIRE Act grants have steadily improved the response capabilities of local fire departments. But more is needed if we are to safely and effectively respond to everyday emergencies as well as acts of terrorism.

Your amendment to the Homeland Security appropriations bill will increase the FY 04 FIRE Act appropriations to $900 million, the authorized level.

The IAFF thanks you for your years of service to fire fighters and enthusiastically supports your amendment. If we can be of additional service, please contact Barry Kasinitz, IAFF Governmental Affairs Director, at 202–824–1581.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

JULY 23, 2003.

Hon. BARBARA MIKULSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: We are writing in support of your amendment to the FY04 Homeland Security Appropriations Act that will add $150 million to the Assistance to Firefighters Grant Program (FIRE Act). Your amendment will bring the total funding for the FIRE Act in FY04 to $900 million, the full amount authorized by Congress.

The FIRE Act grant program benefits our nation as a whole by providing local fire departments with much-needed resources to respond both within and beyond the borders of their individual jurisdictions to protect interstate commerce, federal lands, and the critical infrastructure of the United States. Local fire departments throughout the nation respond to 17 million calls annually ranging from structural fire suppression, emergency medical response, hazardous materials incidents, technical rescues, wildland fire protection, natural disasters and events of terrorism. They are also the principle delivery mechanism for fire and life safety prevention and education programs. Often, local governments are unable to afford the extensive training and specialized equipment that these challenges require. The FIRE Act grant program would assist local fire departments in many jurisdictions by providing the needed funds to pay for these items.

As part of the authorizing legislation that created the FIRE Grant Program, language was inserted to request the Federal Emergency Management Agency (FEMA) to conduct a needs assessment of the fire service. FEMA and the National Fire Protection Association (NFPA) surveyed the nation's fire departments, and in December 2002, NFPA and FEMA released the needs assessment, which revealed that: An estimated 73,000 firefighters serve in fire departments that protect communities of at least 50,000 population and have fewer than 4 career firefighters assigned to first-due engine companies. (The National Fire Protection Association standard calls for at least four firefighters per engine.); in communities with less than 2,500 population, 21% of fire departments, nearly all of them all- or mostly-volunteer departments, deliver an average of 4 or fewer volunteer firefighters to a mid-day house fire; half of all fire engines are at least 15 years old; overall, fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift; an estimated one-third of firefighters per shift are not equipped with self-contained breathing apparatus; an estimated 57,000 firefighters lack personal protective clothing; an estimated 120.1 million people are protected by fire departments that do not have a program for free distribution of home smoke detectors; and we must continue to emphasize the importance of prevention and public safety education to the fire and life safety infrastructure of our Nation.

Nearly 4,000 civilians, including more than 600 children, die in fires each year. Despite all our breakthrough technologies in fire prevention and suppression, the United States has one of the highest rates of fire deaths among industrialized nations. By passing the FIRE Act, Congress unequivocally asserted that it is the policy of the United States to help reduce fire deaths by partnering with local governments to provide all necessary and appropriate training and equipment to our firefighters.

In the three years this program has been in existence, it has become one of the most effective programs conducted by the federal government. In January of this year, officials from the U.S. Department of Agriculture selected the Fire Grant Program for a study they were conducting as part of a management training course. Summarizing the program, they said that the grant program has been ''highly effective in increasing the safety and effectiveness of grant recipients.'' Their study found: 97 percent of program participants reported positive impact on their ability to handle fire and fire-related incidents; of those recipients receiving firefighting equipment, 99 percent indicated improvements in the safety of firefighters and 98 percent indicated improvements in operation capacity; 90 percent of the participants indicated that their department operated more efficiently and safely as

a result of the training provided by the grant program; and over 88 percent of the participants who were able to measure change at the time the survey was distributed reported improvement in the fitness and health of their firefighters as a result of the program and 86 percent indicated reduced injuries.

The Assistance to Firefighters Grant Program is critical in addressing the needs of over 30,000 fire departments and one million fire and rescue personnel. We thank you for your commitment to our nation's firefighters and this important program.

Sincerely,

Congressional Fire Services Institute; International Association of Arson Investigators; International Association of Fire Chiefs; Internationaal Association of Fire Fighters; International Fire Service Training Association; International Society of Fire Service Instructors; National Fire Protection Association; National Volunteer Fire Council; North American Fire Training Directors.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT REQUEST—S. 1434

Mr. REID. Mr. President, tomorrow the President will travel to Philadelphia to hold a press conference to say that the Treasury Department will start mailing the child tax credit checks tomorrow to millions of Americans families. We, of course, are glad these checks are going out.

Everyone on this side of the aisle feels that way because in this economy working families need all the help they can get. Unemployment rates are at a staggering number. They have gone up, now, in successive months. Unemployment rates around the country are the highest they have been in many years—13 years, I believe, is the number.

Not only are working families in need of help, but there are 12 million children who are still being left behind. Mr. President, 49 days ago this body passed a bill to correct this problem. The bill passed by an overwhelming 94-to-2 vote. The administration said they supported the Senate bill and urged the House to pass it quickly. The House passed its own bill but then turned around and voted to instruct the House conferees to accept the Senate bill.

It sounds simple: The House, the Senate, White House, have all signaled support for the Senate bill. This is a conference, then, that should have taken 5 minutes. Instead, it has been more than 40 days and the conferees have not even met yet.

The day before yesterday, Senator LINCOLN proposed a new bill to break the logjam. It includes the original Senate bill that passed, 94 Senators for, only 2 against—a bill that helps 12 million children without adding a dime to the national debt. In addition, in a bow to the House, Senator LINCOLN even included the military tax bill that passed the Senate previously 98 to nothing. It includes many important provisions, including a new deduction for expenses paid by members of the National Guard and the Reserves. Every provision of the Lincoln bill has passed the Senate with overwhelming bipartisan support.

We need to pass it today, again, to send a strong message to the House, again, before they leave for their recess in a couple of days for the entire month of August plus what is left of July.

This legislation will help 12 million children whose parents work hard and are struggling to provide for their families. It also delivers tax reductions to our men and women in uniform who are serving and defending our country. It sounds like a good combination to me.

As a result of that, I ask unanimous consent that the Senate proceed to the consideration of S. 1434, a bill to accelerate the increase in refundability of the child tax credit, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Mississippi.

AMENDMENT NO. 1346

Mr. COCHRAN. Mr. President, I appreciate very much the comments that have been made by the distinguished Senators from Maryland and Connecticut about the Firefighters Assistance Grants Program. It certainly is a program that is very popular and it is a program that has been recognized as well run. It is a program that is managed by the firefighters themselves in determining which grants should be made in their regions, which items of equipment ought to be included in the arsenal of protection for communities.

The only problem is, we don't have enough money in the allocation to this committee to make as much of an appropriation for many of these programs as we would like. We have to make choices. We had to allocate the total allocation among a large number of very worthwhile, very popular programs.

I hate to put the Senate in the position of having to make choices here on the floor that we labored with for weeks and months, through hearings with administration witnesses, through discussions among our staffs and Members of the Senate, to try to identify the priorities and then come to some final decision about the exact amounts to include in the bill for all of these programs and activities.

We have just so much money to appropriate. We kept the grant program for firefighter assistance at the same level as last fiscal year. In fact, we have included $200 million more than the President had requested in his budget which was submitted to the Congress. But this amendment would add funds that would cause the allocation to this subcommittee to be exceeded in violation of the Budget Act. As I have done with other amendments that have that same characteristic, I am constrained to make a point of order that the amendment violates the Budget Act.

I make a point of order under subsection 302(f) of the Congressional Budget Act that the amendment provides in excess of the subcommittee's 302(b) allocation.

Ms. MIKULSKI. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Senators BYRD, LEVIN, and CLINTON be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the time for the vote on the motion to waive be decided by the two leaders after consultation with the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise in support of the motion to waive.

With the realities of today's world, communities—both large and small—need to be prepared for the possibility of a terrorist attack. The frontline counterterrorism effort is composed of what we call first responders. These are the people who are first on the scene—the police officers, the firefighters, the emergency medical personnel, and so on.

As they have always been, the men and women who serve in these departments are constantly on the job. They are always ready to fulfill their duty when their neighbors call for help. But the new threats of terrorism have forced these departments to refocus their training and restructure their budgets to respond to these threats.

In many cases, the departments rely on small fundraisers to pay for equipment and training. However, expanded missions and continuing threats are pushing the price of security too high for many rural communities to afford. Grants through the Fire Act provide funds to help offset those costs for local firefighters. Unfortunately, the demand for funding has far outpaced the available dollars.

According to the Federal Emergency Management Agency and the Fire Protection Association, only 13 percent of the fire departments have the equipment and training to handle an incident involving chemical or biological agents. Forty percent of fire department personnel involved in hazardous materials lack formal training in those duties. Only 10 percent of the fire departments in the United States have the personnel and the equipment to respond to a building collapse.

The amendment by the distinguished Senator from Maryland, Ms. MIKULSKI, and by the distinguished Senator from Connecticut, Mr. DODD, would infuse critical dollars into local fire departments to help meet that demand.

The administration proposed to fold this program into a single first responder grant account. I commend the chairman of the subcommittee, Senator COCHRAN, for deciding to retain this effective program as a separate account. Unfortunately, because the budget resolution resulted in inadequate funding for homeland security, the committee bill provides only $750 million—only $5 million more than the level for the current fiscal year. The program is authorized at a level of $900 million. The amendment would fund the program at the authorized level of $900 million.

Terrorist incidents are primarily local events. The immediate response to the attacks at the World Trade Center came from the police and firefighters in New York City. The immediate response to the attack on the Pentagon came from the first responders in the neighboring communities.

These events bear out the critical need for well-prepared and well-equipped local emergency response teams. The ramifications of an ill-prepared local community in today's world are too large.

First responders will likely act alone in the initial critical moments of any emergency, no matter how large or small the emergency. In those moments, lives will be saved or lives will be lost. But these first responders cannot be expected to fund the fight against terrorism with bake sales, ice cream suppers, and bingo nights. That is why the support of the Federal Government—both in terms of funding and training—is so important for local police, firefighters, and emergency medical personnel.

I commend my colleagues for offering this amendment. It is a necessary amendment. The cause is great. I urge my colleagues to support the amendment and infuse critical dollars into our Nation's fire departments.

Ms. MIKULSKI. Mr. President, I want everyone to understand what this amendment is. It is $150 million. That is what it is.

We want to acknowledge, first, our appreciation to the chairman of the Subcommittee on Homeland Security and the ranking member for keeping the fire grant program separate so that whatever funds come forth don't get meshed into one group called homeland security.

The second thing we appreciate, given the frugal allocation of the subcommittee, is they did fund it at $750 million. That was very much appreciated. At the same time, we note that the authorization is for $900 million. The Mikulski-Dodd-Byrd amendment says $150 million more over what the committee has allocated.

What is $150 million worth? What would we have said on September 12? Would we have hung our heads in shame because we didn't add $150 million?

I think about the Baltimore tunnel fire when we didn't know what caused it. We knew firefighters had to go down in the dark 6 feet through a manhole cover, then over a 4-foot platform, then down another 8 or 10 feet in the total darkness with toxicity and fire.

Was that worth $150 million, not for them alone, but that they would have the breathing apparatus, the telecommunications if they got into trouble while they were figuring out the situation? We didn't know if Baltimore was going to explode. We didn't know if a toxic cloud was going to go over my city. But I know a group of very gallant, very brave, very selfless people were willing to go down into that dark inferno. I don't want to ever say to somebody: We couldn't come up with another $150 million to help you out.

Then let's go to the Rudman report. Now, we remember our dear colleague from New Hampshire. He is a very frugal guy. I remember Gramm-Rudman, Mr. Balanced Budget. So if he says we need money, we really must need it because he is a tight-fisted, somewhat penny-pinching, very conservative on the fiscal spending kind of person. So if Warren Rudman says America needs more resources for homeland security, and he particularly places emphasis on the emergency responders, then I think we ought to listen. What he is saying is, it is an emergency to provide emergency help to the emergency responders.

He starts his report by saying: If we knew that there was going to be another terrorist attack sometime in the next 5 years but didn't know what type it would be, who would carry it out, or where it would occur, what actions would we take to prepare, and how would we allocate our human and financial resources?

This is not philosophy. This is a practical approach for the United States of America.

So I appreciate everything the chairman has done, and the ranking member, who himself is now supporting this amendment. We are now shackled by our own allocation. But we do not have to be shackled. We have the parliamentary authority to waive that Budget Act that has us so constrained. And here is Warren Rudman, Mr. Balanced Budget, saying we need more resources.

So I think the Congress and this Senate can vote to waive the Budget Act for $150 million to protect the protectors. The emergency responders are drastically underfunded. They are dangerously unprepared not because they want to be unprepared but because there needs to be the resources. I think we need to put the resources in the Federal checkbook.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, with respect to the time for the votes on the two motions that are pending, motions to waive the Budget Act, I ask unanimous consent that the votes proceed in the order in which the motions were made and that the votes commence at 5 o'clock. It is my understanding that both leaders' offices have indicated that is permissible, and that is authorized and approved by the leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNCILMAN JAMES DAVIS

Mrs. CLINTON. Mr. President, I come to the floor on behalf of an amendment with regard to the homeland security funding. But I would like first to recognize that a tragic shooting has occurred at city hall in New York City this afternoon. Councilman James Davis from Brooklyn, a man devoted to public service and an energetic and outspoken advocate for New York and the community he represented, was murdered.

Prior to Councilman Davis's service, he served in other capacities: as a New York City detective, as an instructor at the police academy. In 1991, he started a nonprofit organization called ''Love Yourself-Stop the Violence'' in an effort to address growing urban violence. It is a tragic, terrible irony that a man who first devoted himself to police work and law enforcement and then to trying his best to stem urban violence by giving people something to say yes to would himself fall victim to such violence.

I know the thoughts and prayers of New Yorkers go out to Councilman Davis's family and friends and colleagues at this difficult time. Certainly today's tragic event reminds us of the fragility as well as the preciousness of life. Certainly it gives us pause as we confront the need for us to do everything within our power on behalf of ensuring the safety and security of all of our citizens.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1348

Mrs. CLINTON. Mr. President, I send an amendment to the desk expressing the sense of the Senate that homeland security block grant funds should be allocated to the States using a threat-based formula rather than simply a per-capita formula.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1348.

The amendment is as follows:

(Purpose: To express the sense of the Senate that homeland security grants to States and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) should be allocated to States through a threat-based formula, with minimum allocations for small States)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Senate finds that—

(1) this Act is intended to provide critical homeland security resources to State and local communities and first responders to help them in their efforts to improve our homeland defense at the National, State, and local levels;

(2) given the nature of the terrorist threats against our Nation and the grave consequences of a terrorist attack, it is in the best interest of our homeland defense that such resources be disbursed and employed as effectively as possible;

(3) the Secretary of Homeland Security has repeatedly emphasized the need to use a threat-based formula, instead of a per capita formula, to best allocate homeland security block grant funds to States for use by States and local communities;

(4) in the June 2003 report of the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by Senator Warren B. Rudman, entitled ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared'', the Task Force—

(A) declared the ''existing systems for determining the distribution of appropriated funds to states to be badly in need of reform'';

(B) advised that ''Congress should establish a system for allocating scarce [homeland security] resources based . . . on addressing identified threats and vulnerabilities''; and

(C) stated that, in allocating Federal homeland security funds, ''the Federal Government should consider such factors as population density, vulnerability assessment, and presence of critical infrastructure within each state'';

(5) the vulnerability assessment may cover a range of considerations, including—

(A) the proximity of a community to nuclear and chemical facilities, ports, and international borders;

(B) the presence of national icons that may be terrorist targets;

(C) population (including tourist, military, and commuting population), population density, the location, risk, or vulnerability of critical infrastructure or key national assets; and

(D) any other factor considered appropriate by the Secretary of Homeland Security;

(6) our Nation's critical infrastructure consists of systems and assets, whether physical or virtual, that are vital to the United States, including infrastructure relating to—

(A) agriculture;

(B) food;

(C) water;

(D) public health;

(E) emergency services;

(F) government;

(G) defense;

(H) energy;

(I) transportation;

(J) banking and finance;

(K) chemicals;

(L) postal service; and

(M) shipping;

(7) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188) requires a threat analysis, an indication that Congress recognizes the importance of threat-based formulas; and

(8) other national homeland security experts have also called for the distribution of Federal, State, and local homeland security grants using a threat-based formula in lieu of a per capita formula.

(b) It is the sense of the Senate that homeland security grants to State and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) by the Office of Domestic Preparedness of the Department of Homeland Security should, subject to minimum allocations for small States, be allocated to States through a threat-based formula in lieu of a per capita formula.

Mr. REID. Mr. President, I apologize to my friend from New York. I walked up to her desk to talk to her about what we were doing and I just failed to do so. It is my fault, not hers. We have a vote in 2 minutes. The manager of the bill is not here.

Mrs. CLINTON. Will my friend from Nevada yield?

Mr. REID. I am happy to yield.

Mrs. CLINTON. I would certainly wait until after this vote or at any other time that the managers of the bill could schedule discussion of this amendment.

Mr. REID. I think after this vote would be perfect. We have two votes.

Mrs. CLINTON. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1343

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act in relation to the Schumer amendment No. 1343. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 51, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—45

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden

NAYS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
DeWine	McCain	Warner

NOT VOTING—4

Crapo	Kerry
Edwards	Lieberman

The PRESIDING OFFICER. On this question, the yeas are 45, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1346

The PRESIDING OFFICER. The question now is on agreeing to the motion to waive the Budget Act with respect to amendment No. 1346 offered by the Senator from Maryland. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—48

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Specter
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden

NAYS—49

Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
DeWine	McCain	
Dole	McConnell	

NOT VOTING—3

Crapo	Kerry	Lieberman

The PRESIDING OFFICER. The yeas are 48, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Madam President, I wish to inform Senators about the schedule. Since they pertain to amendments on our side, I will announce that the Senator from New York, Mrs. CLINTON, has an amendment. She indicates she will need about 15 minutes. Senator CORZINE has an amendment which will require approximately the same amount of time. Then Senator BAUCUS has an amendment as well. We have about 45 minutes of time on our side. I assume there will be some time required on the managers' side. We expect that there will be three votes stacked at approximately 7:15 this evening. That may be the last business of the evening. But at least between now and then we will have debate on those three amendments.

I yield the floor.

Mr. COCHRAN. Madam President, I appreciate very much the advice of the Senator from South Dakota, the distinguished leader. This side is not going to require as much as 15 minutes per amendment. I can assure you of that. We probably will not need that much time to discuss our views on the amendments. We are glad the Senators are here and ready to offer them. We appreciate their cooperation in getting the bill moving along.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New York.

AMENDMENT NO. 1348

Mrs. CLINTON. Mr. President, I rise in support of the amendment which is at the desk numbered 1348.

The PRESIDING OFFICER. Does the Senator call up the amendment?

Mrs. CLINTON. Yes.

This is an amendment that expresses the sense of the Senate that the homeland security block grant fund allocated to the States be done using primarily a threat-based formula rather than solely a per-capita formula.

The Homeland Security appropriations bill before us seeks to provide critical homeland security resources to our first responders—our States and our local communities—to help them improve our homeland defense.

I offer this amendment to support the effort to ensure that those funds are disbursed effectively. After setting forth a number of findings, this amendment states that it is the sense of the Senate that homeland security grants to State and local governments that contain the small State minimums in the PATRIOT Act and that are disbursed by the Office for Domestic Preparedness should be allocated to the States through a threat-based formula rather than a per capita formula after—and I stress this—after the small State minimum provision is applied.

I am offering this amendment because the Senate committee report accompanying the bill requires Secretary Ridge to distribute the State and local grants, other than the high-threat formula grants, on a per capita basis.

This is obviously a bit confusing and arcane because it has to do with formulas and percentages, but it is a very important issue with which we have to come to grips.

The last wartime supplemental that we considered, thanks to the efforts of the senior Senator from Pennsylvania, included language in the final supplemental conference report that directed Secretary Ridge to develop a threat-based formula for the distribution of State and local homeland security funds for fiscal year 2004.

This amendment is wholly consistent with that language which the entire Congress approved. I have said for months that we need to have a better formula for the distribution of State and local homeland security grants based not solely on the population of a State but on a variety of threat and vulnerability factors. I am sure these factors are ones on which we can all agree. But we are having some difficulty putting them into a formula that can then be used to direct the expenditure of the homeland security funds.

I have written Secretary Ridge. I have met with him. We have talked about this issue. He agrees that a better formula is needed. He has said it many times, including in testimony in April before the Senate Commerce Committee. At that time, Secretary Ridge told the committee he wants to overhaul the entire grant process to include a threat assessment. He has asked for guidance from Congress in designing a formula for distributing homeland security grant money to reflect the threats and vulnerabilities of different regions within the United States.

Here is what he specifically has to say:

> The Office of Domestic Preparedness . . . had a formula that we don't believe is the appropriate distribution for counter terrorism [funding].
>
> The formula as it exists now does not take into consideration critical infrastructure, whether it's private, whether they're federal, whether they're national icons.
>
> The Formula doesn't really take in threat or vulnerabilities.

And finally:

> I suspect that reconstituting the Office for Domestic Preparedness formula or coming up with something new is something that we hope to achieve some bipartisan support [on] and get it done and then attached to the 2004 appropriations.

On this issue, I absolutely agree with Secretary Ridge. The last thing we should do is tie the Secretary's hands by saying he cannot use any formula other than a per capita formula.

That is not just my view but, more importantly, it is the view of national experts, such as the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by former Senator Warren Rudman. The task force makes it unequivocally clear that for the sake of our homeland defense we must employ a better formula.

The report of the task force states that they:

> . . . found existing systems for determining the distribution of appropriated funds [to States] to be badly in need of reform.
>
> The state and population-driven approach has led to highly uneven funding outcomes. . . .
>
> While this approach may have political appeal, it unnecessarily diverts funding from areas of highest priority.
>
> In addition, decisions by state officials regarding the allocation of funds in their states have not sufficiently taken into account the multitude of necessary factors.

Now, you see, we have a two-tiered problem. We have a problem here in Washington distributing the funds based on assessments of threats and vulnerabilities, and we have a problem in State capitals distributing the funds that the States get on the same basis.

Based upon their assessment, the task force, under former Senator Rudman, said:

> Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities.
>
> To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state.

My amendment, expressing the sense of the Senate, sets forth those same factors that I believe Secretary Ridge

can choose to consider in developing a threat-based formula.

Let me make clear, this is a sense-of-the-Senate amendment; it is not authorizing language. Let me further underscore that the small State minimums in the underlying bill are not affected.

But what then do we do with the threat assessment formula? How do we figure out what factors should be considered?

Here are some I would recommend—obviously, starting with population. That has to be the No. 1 consideration. But I would go a step further because it is not just what the census says about the population as to who lives permanently in a particular city or county or region. There are parts of our country that have a very high tourism industry, that might have a military base, that have other factors that should be taken into account when we look at population.

As Senator REID said yesterday, in talking about Las Vegas, the population in Nevada peaks on the weekend when thousands of people from all over the country and the world come to Las Vegas.

So in addition to population, we should consider population density, again, taking into account not just who lives there every day but the ebbs and flows in the density of the population—whether it is Orlando, FL, or Las Vegas, NV, or Manhattan. We should look at the proximity to nuclear and chemical facilities, ports, and international borders.

Yesterday, I referred to a GAO report when I was standing here in support of the very commonsense approach that the Byrd amendment represented. I referred to a GAO report that shows there are hundreds of chemical facilities in our country that contain toxic chemicals that could harm thousands, if not millions, of people within the near proximity. That is an issue we need to take seriously.

Similarly, nuclear powerplants—particularly the one in the county where I live, which is in a heavily populated area, in an area with very narrow, winding roads—they, too, should be taken into account.

We should look at the location of national icons, whether it is the Gateway Arch in St. Louis or the Golden Gate Bridge in San Francisco or any other national icon.

We should also begin to assess the presence and vulnerability of other critical infrastructure. I consider agriculture a critical industry to our country. Food supplies, water, public health, emergency services, the kinds of things that, if they were targeted, would disrupt commerce, would dramatically impede the kind of response needed because of the potential for destruction.

Finally, we should be taking into account intelligence and threat information, and any other information or any other factor that the Secretary deems appropriate.

Now, reasonable people can, of course, disagree as to which factors should be included and what weight should be provided to each factor. But there is an absolutely clear consensus among security experts that a better formula must be devised and used. And I have heard not just from homeland security experts on this point but from our front line defenders, our first responders, or, as some of our police officers like to refer to themselves, our first preventers.

Hopefully we can prevent tragedies, not just respond to them. It is not only our police and our firefighters but our public health officials and our EMTs, our mayors, our county executives who are there on the front lines. I said the other day if we were to determine our defense posture, our projection of force around the world on some kind of per capita basis, we would be placing soldiers in Canada and Sweden because, after all, they are there. Obviously, that is nonsensical. We don't do that. We look at the threats. We try to design our weaponry and our other responses to take account of all the threats that American military forces might encounter. And we should be doing the same for homeland security.

This is a two-front war. It is not only what we are doing in Afghanistan and Iraq and other places, it is what we are doing to defend ourselves here at home that we have to be very concerned about. At the national level, if we don't take these various factors into account and establish a formula, we also fail to give guidance to our States. We also fail to recognize in a thorough, comprehensive way all of the potential vulnerabilities and targets we have.

For example, if one were discussing the homeland security needs of Louisiana, you might look at population and density, but you would also look at the fact that there is a major port. There are offshore petroleum platforms. We have part of the strategic petroleum reserve. We have river railroad crossings and facilities that are pumping natural gas to the rest of the country. That would be part of the kind of formula I am proposing that would certainly be justifiable and give the Secretary the discretion he needs.

There are many other places in the country that at first glance you don't think of as being perhaps vulnerable or strategically located, but take Lancaster County, PA. It has two nuclear powerplants on its borders. There are only five counties in the entire country in that same position. So I would argue that kind of consideration about critical infrastructure, proximity to nuclear and chemical facilities, should be considered.

I know many of my colleagues who represent less populated States worry about a threat-based formula versus a per capita formula. I have to say I understand that. I have lived in big States and I have lived in small States. I have been in every State. I believe every State has vulnerabilities and is potentially subject to threats that need to be considered. I think it is important we look at this effort as an ongoing one, but we have to untie the Secretary's hands. Right now he has no discretion. He has no ability to deal with the grants to State and local communities other than on a per capita basis.

What that leads to is articles like we have seen recently in national newspapers where money goes out in a huge amount on a per capita basis to less populated States, while States and cities such as New York and LA are trying desperately to figure out how they are going to protect major airports, all the other ports and facilities that they have, how they are going to do it with the amount of money they have, given the budgetary constraints that every State and city is confronting.

I tried in this resolution to recognize the political reality that exists. It retains the small State minimum. I can count and I know that we are not yet at a point where we can eliminate the small State minimum, so it retains that. That is about 40 percent of the money right off the top to be distributed on a per capita basis. But that leaves 60 percent to begin to implement a formula that does what the experts say we must do.

In closing, I believe whether we go through direct funding, which I still believe is the best way to disburse money—I am hearing from a lot of my mayors; they still haven't gotten any of the money that has gone to the State capital. Again, I understand that. I know a little bit about the pressures on Governors. But the fact is, the money is not getting down to a lot of the cities and counties that really bear the brunt of homeland defense. So I still believe we should do it directly.

But if it is passed to the States, then we need a formula, and we need a formula that gives guidance at the State level so we can get the money where it is most needed.

I hope we can begin to move down this road and start giving the kind of discretion to the Secretary of Homeland Security who, after all, is really on the hot seat. He is the person who gets the threat information and the intelligence. He knows exactly what is happening because he has to be briefed on it all the time. To provide him this discretion would give him the opportunity to begin to implement a formula which I am sure is going to be revised. The factors will change. The weight will change. But we must start now; otherwise, we lose another year. I don't think we can afford to do that.

I hope that my colleagues will support this resolution, give the authority to the Secretary, preserve the small State minimum, but begin to give us some factors to gauge the threats and vulnerabilities that we know the experts know, but mostly our police and firefighters know they are facing every single day.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator makes a point that certainly ought to be considered by the Senate, but it ought to be considered first by the Governmental Affairs Committee which has jurisdiction over the law that created the Department and the grant programs under which the Department administers the programs and distributes funds to the States.

There was a per State minimum provided in the law that established the Department of Homeland Security. Just recently, the Committee on Governmental Affairs undertook a review of that basic law, and they reported out a bill, S. 1245. It deals with the issue of formulas under which funds are allocated to the States. As a matter of fact, it specifically provides for the continuation of the State minimum funding grant to each State based on population. But it also takes into account high threat areas, large State and large city problems that exist, and provides for special grants to be made to those areas of the country. We already have, for example, the high threat urban area classification, and funds are allocated to those States and those areas that are under higher threats or have higher vulnerability in addition to the funds they get on a per capita basis.

My point in mentioning this and stating these facts is to say that this is not the time or the place for the Senate to deal with this issue. The time will be when this bill, S. 1245, is taken up by the Senate. It was just reported out of the committee on June 12, 2003. The distinguished Senator from Maine, Ms. COLLINS, is chairman of that committee. She has indicated to me, with a note yesterday, that this bill had been reported out. So if any issue came up about formula grants and how funds were being distributed, it had already been considered by her committee and legislation had been reported on that subject.

What the Senator from New York is asking us to do tonight, even though this is a sense-of-the-Senate resolution, is to go on record saying the formulas under which the funds are being appropriated by this bill are inappropriately distributed. They are being distributed under the auspices of current law, and so she is asking us to disagree with the content of current law and suggests that some different distribution be made by this bill.

We can't do that. We can't accommodate that. The time for changing the formulas and changing the way the distributions are made will be when the Senate turns to the consideration of this reported legislation.

It is for those reasons and not to argue that there are needs in States that have cities such as New York City and others. New York City already gets way beyond what any other city gets because it is a high threat urban area. We have charts. Everybody can have access to see how much each State gets. The Senator has already pointed out how some States appear to get more per capita than the big States, and they do. But what happens is, this is made up for in other programs that provide funds to those high-threat urban areas, and it is dealt with in this other legislation.

So it will be my intention to respond to any questions that I can answer. I wish the distinguished Senator from Maine were here because she knows more about the details than I do. But I will try to respond to any questions the Senator from New York has. Then it is my intention to move to table the amendment and ask for the yeas and nays.

Mrs. CLINTON. Will the Senator yield?

Mr. COCHRAN. I yield the floor.

Mrs. CLINTON. Mr. President, in response to the Senator, the chairman, I only point out that the Senate committee report accompanying the bill requires the Secretary to distribute the State and local grants, other than the high-stress grants, on a per-capita basis. I applaud the chairman of the Governmental Affairs Committee for the work she has done because, under her leadership, there has been a tremendous effort undertaken to begin the process to authorize the changes in formula.

This authorizing legislation will come before the Congress, I hope, this year. I hope it is passed this year. But it will not influence the appropriations we are considering today, and, therefore, the Secretary—even if he were to pick up the legislation from the Governmental Affairs Committee, read it, and say he agrees 100 percent—would not be able to do anything about it.

What this sense-of-the-Senate amendment tries to do is to give at least some encouragement, and hopefully it could become more specific in the conference report to the Secretary, that based on factors such as those in the Governmental Affairs legislation and the work of the committee under Senator Rudman, there would be an opportunity to begin to actually do this, instead of waiting for another year and a half to figure out what the appropriations would be.

So I certainly understand the chairman's perspective that this is not authorizing legislation. That is why what I have is a sense-of-the-Senate amendment. The work the Senator from Maine has done is extremely important work, but I worry about the time lag because since the Senate committee report says that Secretary Ridge cannot distribute on any basis other than per capita, the good work of the Governmental Affairs Committee and the recommendations of experts is going to be once again in suspended animation. The Secretary will find himself once again having to follow what is, by all accounts, an outdated formula in the face of the most pressing homeland security challenges that we confront.

Mr. President, I hope we will at least give a little bit of wiggle room, some discretion to Secretary Ridge, especially based on the good work done by the Governmental Affairs Committee.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise to comment on the sense-of-the-Senate amendment offered by the distinguished Senator from New York today. The Senator's amendment is on a subject of great importance to each and every Senator, and that is how best to divide up the homeland security funds to ensure we get the most from the resources we are investing. It is a subject that falls within the jurisdiction of the Senate Governmental Affairs Committee, which I am privileged to chair.

The committee held three hearings on this topic. We have heard from firefighters, police officers, mayors, Governors, State emergency management directors, county officials, and from Secretary Ridge. As a result of these hearings, I developed bipartisan legislation, which the committee has unanimously approved. That legislation is cosponsored by Senators CARPER, ROCKEFELLER, VOINOVICH, FEINGOLD, SUNUNU, COLEMAN, PRYOR, ALLARD, AKAKA, HAGEL, BURNS, CHAFEE, ROBERTS, DORGAN, CHAMBLISS, and BEN NELSON. In other words, it has widespread support.

Dealing with formula issues is very difficult. They are not easy. They affect us all and we want to make sure we get it right.

The legislation we reported last month addresses the very issues the Senator from New York has brought up and is seeking to address on the appropriations bill. There is much I agree with in the amendment of the Senator from New York. I don't agree with her treatment of small States, because although she keeps the small-State minimum, as I read the language, she would treat the current .75 allocation as a ceiling. That is not the way it would be done under the legislation I have authored, nor is that the way that small States are handled under current law.

But there is much I agree with in the Senator's approach. We need to identify high-threat areas and we need to do vulnerability assessments. That means looking at military installations, ports, and looking at whether the State is a border State. There are many issues that need to be considered.

Our legislation carefully crafts a formula and fills out the outlines of the homeland security grants, which were treated only in a single paragraph in the original legislation creating the Department of Homeland Security. We have made sure the money is passed on quickly, for example, from States to local governments and to the first responders. We have simplified the application process from 12 steps to 2. We have done away with a mountain of the paperwork and bureaucracy that has frustrated our State and local governments. And, yes, we call for an allocation right off the top for high-threat

areas and for vulnerability assessments.

Any modifications to the formulas for homeland security grants should be considered in a comprehensive, careful manner, as the committee has done. If the committee had not acted on this important issue, I would be more sympathetic to the arguments made by the Senator from New York. But, in fact, the committee has acted. We have held several hearings. We have reported legislation, which is pending for consideration by the full Senate.

If we attempt to change the formula on an ad hoc basis, we may end up with unintended consequences and a State may end up with insufficient homeland security resources. We obviously are very stressed because of budget constraints. We need to make sure the formula is carefully done. I believe the appropriations bill is not the right vehicle to pass important authorizing legislation affecting the allocation of funds. For this reason, I have not sought to attach my own bill to the appropriations vehicle, nor pieces of it, tempted though I am. Nor do I think the well-intentioned amendment of the Senator from New York, which calls for a change in the funding formula, which is directly in the jurisdiction of my committee, should be adopted on this appropriations bill.

I want to make an offer to the Senator from New York to work closely with her. New York obviously has challenges that are enormous when it comes to homeland security. I am very sympathetic to what a high-risk, high-vulnerability State the Senator so ably represents. So I want to work with her further on this as we bring our legislation to the floor. But I am reluctantly going to oppose the sense-of-the-Senate amendment of the Senator from New York because, frankly, it doesn't belong on this bill, particularly when the committee of jurisdiction has acted to bring forth carefully crafted, bipartisan legislation to deal with this very issue.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank the Senator from Maine for her leadership and her very obvious concern about these issues. I particularly appreciate her concern about New York and what we are contending with in New York, not just in New York City but throughout our State.

I would very much appreciate the opportunity to work with the Senator from Maine on this issue. I worry a little bit, and perhaps there is some way, working with the able chairman of the appropriations subcommittee—and I hope her legislation will pass very soon because it is a long overdue revamping of how to deal with this issue—that we would be able to give some discretion to the Secretary going forward and not have to wait until the next appropriations process.

It is, from my perspective, based particularly on the insights and recommendations of many of the security experts, an issue we are urgently facing. With the Senator's very able stewardship of this legislation and getting it through on the authorizing committee, I look forward to working with her and doing everything I can to help move that legislation forward. I hope there is some way we can figure out how to give the Secretary some discretion in the meantime, especially based on the work the committee has done, the factors the Senator has taken into account so we do not lose another year. That is my main concern as I stand here today.

Again, I commend the Senator from Maine for her extraordinary work and leadership, and I look forward to working with her.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that following the disposition of the Clinton amendment, the amendments that will next be offered will be the Corzine amendment on chemical security for 20 minutes for Senator CORZINE and 10 minutes for Senator COCHRAN, then the Schumer-Baucus northern security amendment with 25 minutes total for both Senators and Senator COCHRAN 10 minutes.

I further ask unanimous consent that following the debate in relation to the amendments, the Senate vote, if necessary, in relation to the Clinton amendment No. 1348, to be followed by a vote in relation to the Corzine amendment, to be followed by a vote in relation to the Schumer-Baucus amendment.

I further ask unanimous consent that there be 2 minutes equally divided for debate for each amendment in the stacked sequence and, further, that no second-degree amendments be in order to the amendments prior to the vote.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Reserving the right to object—and Senator CLINTON is standing next to me—based on the colloquy on the amendment that has taken place in the last 40 minutes, Senator CLINTON has indicated she will withdraw her amendment.

AMENDMENT NO. 1348 WITHDRAWN

Mr. REID. Mr. President, on behalf of Senator CLINTON, I ask unanimous consent to withdraw her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clinton amendment is withdrawn.

Mr. REID. Mr. President, I have no objection to the unanimous consent request propounded by the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished assistant leader from Nevada, and I thank the distinguished Senator from New York and the distinguished Senator from Maine, as well, for the discussion we have had on the issue of formulas. I look forward to joining them in a careful consideration of the issues that have been discussed.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1350

Mr. CORZINE. I thank the Chair. Mr. President, I send an amendment to the desk on behalf of myself, Senator EDWARDS, Senator LAUTENBERG, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE], for himself, Mr. EDWARDS, and Mr. LAUTENBERG, proposes an amendment numbered 1350.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $80,000,000 for the Office of the Under Secretary for Information Analysis and Infrastructure Protection to conduct chemical facility security assessments)

On page 66, strike lines 9 and 10, and insert the following:

$903,700,000, to remain available until September 30, 2005; of which $80,000,000 shall be for chemical facility security assessments.

Mr. CORZINE. I thank the Chair. Mr. President, this amendment addresses one of the most serious security threats facing the American people. As I will indicate later, this is not an assertion I make alone but an assertion made by a broad range of security experts, including the Secretary of Homeland Security: the threat of a terrorist attack on our Nation's chemical facilities.

There are literally thousands of chemical producers, refineries, and similar facilities throughout the United States where the release of chemicals can kill or injure literally tens of thousands and, in many instances, millions of Americans through exposure to highly toxic gases. That is why these facilities are potentially so attractive to terrorists. That is why security officials indicate that point.

From a practical viewpoint, often these facilities are located in the most densely populated communities across our Nation. The legacies of the great era of American manufacturing were practiced in our urban communities and continue to be in many instances today. New Jersey happens to be one of those communities that is densely populated—it is the most densely populated State in the Nation, and many of these facilities with exposures to over 1 million people are located in my State.

Unfortunately, there are currently no Federal security standards for chemical facilities, none. So the private sector has been left to do as it sees appropriate on a completely voluntary basis. There are some very positive actions by some in the industry to make sure that security and safety at

the plants is attended to. There are good standards being promoted by trade associations. But far too many of the facilities across this country have not stepped up to meet their responsibilities. Far too many continue to be vulnerable to attack.

Time after time we have seen press reports and other indications that our chemical facilities are not properly secure, and there has been very little effort to improve the safety of the processing in many plants. Put literally, millions of Americans are at risk.

A recent report by the conference board, by the way, that confirms this shows there has been a very limited increase in expenditures at publicly held companies in this country. Less than 4 percent at the median, and very little, according to many of the anecdotal pieces of information we have been able to find with regard to chemical plants.

According to the EPA, there are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals. There are about 750 facilities in 39 States where a chemical release could expose more than 100,000 people to these chemicals. Thirty-nine States have that kind of exposure.

I have with me a map that shows how many of these facilities are located in each State. This really is a broad-based national issue. There are nearly 3,000 facilities spread across 49 States where a chemical release could expose more than 10,000 people. These are staggering numbers representing a broad vulnerability across America.

The consequences of an attack on a chemical plant are potentially horrific, and it is hard for any of us to even imagine. Think back to 1983 in Bhopal, India, where over 3,000 people died and innumerable injuries and problems in health still linger today. I would argue that our Nation appears to be in denial about this problem. If anything, September 11 taught us that we cannot avoid thinking about the unthinkable. We have to face up to the Nation's most serious vulnerabilities. We have to focus on them and confront them head on. If we look at what has been identified by security experts and the people at the Department of Homeland Security, we will draw that conclusion.

I repeat one of the statistics I mentioned: There are 123 chemical facilities around our Nation that could threaten more than 1 million American lives in their immediate vicinity. To bring this home, there are eight of these facilities in my home State of New Jersey, one that has the potential to expose over 8 million people in the Greater New Jersey-New York region with a toxic cloud. Think about that, 8 million people located smack dab in the middle of one of the most densely populated areas in our country.

These facilities pose a severe threat to public safety. They have serious weapons that could be used against the American people and cause massive injuries and death. Loaded with chemicals such as chlorine, ammonia, and hydrogen fluoride, chemicals that serve an important industrial function, they could be instantly transformed into a weapon of mass destruction at the hands of a terrorist.

I am not arguing that many are not doing what they are supposed to be doing. I see great activity about security and safety in many of the pharmaceutical plants in New Jersey.

There are many who are not stepping up to the plate to make sure the public is protected, and this is not just my opinion. Again, it has been documented by experts in the administration and the like. On March 18, the General Accounting Office issued a new report on this matter. GAO found that chemical facilities may be attractive targets for terrorists because of the extent of harm they could inflict.

If one is trying to find a way to seriously impact broad numbers of the population, this is how GAO says terrorists might actually accomplish that. GAO goes on to say: There are no Federal laws requiring chemical facilities to assess vulnerabilities, to take action, to safeguard against these attacks. GAO recommended that the Department of Homeland Security and the EPA jointly develop a strategy, including legislative proposal, to address the threats of attacks on chemical facilities.

The GAO report was released on March 18 of this year, but only one month earlier the Department of Homeland Security itself sounded the alarm about the threat facing chemical facilities. In the bulletin issued on February 12 of this year, when we moved to code orange, the Department stated:

> Al-Qaida operatives also may attempt to launch conventional attacks against U.S. nuclear/chemical-industrial infrastructure to cause contamination, disruption and terror.

In our releases to our own people across this country, we identify this as a vulnerability. We ask our local law enforcement to protect the American people.

> Based on information, nuclear power plants and industrial chemical plants remain viable targets.

Now I go back to October 6 of last year. On that day, Homeland Security Secretary Ridge and EPA Administrator Whitman had a letter of theirs published in the Washington Post. In that letter they stated:

> The Bush administration is committed to reducing the vulnerability of America's chemical facilities to terrorist attack and is working to enact bipartisan legislation that would require such facilities to address their vulnerabilities.

That was on October 6 last year. I think this is July 23.

The letter goes on to state:

> We applaud the voluntary efforts some in the industry have undertaken—

By the way, I do as well—

> but we believe that every one of the 15,000 chemical facilities nationwide that contain large quantities of hazardous chemicals must be required to take the steps the industry leaders are taking at their facilities: performing comprehensive vulnerability assessments and then acting to reduce those vulnerabilities.

Yet in spite of all of these public acknowledgments, comments and statements, we still have not been able to enact chemical security legislation. I introduced a bill back in October of 2001, and did a lot of compromising with a lot of folks on the EPW committee, addressing industry concerns. We reported out a bill 19 to 0. I reintroduced that legislation in this Congress. In April, I offered the bill with further modifications as an amendment to the Defense supplemental appropriations bill. The amendment was defeated on a point of order. In that bill, I actually included additional funds to help facilitate putting in security elements to make sure industry believed we were working as partners to accomplish it.

I will not be offering that legislation on this appropriations bill. I know it would be subject to a point of order. But I simply cannot let this legislation go through without drawing attention to an issue that just lingers and lingers. For the people of the State of New Jersey, and I know in all of these other States that I just talked about, this is a serious risk as we go forward.

In that regard, I want to commend Senator BYRD for recognizing the importance of this issue and including chemical security as a priority in his amendment yesterday. More than any other Senator, the senior Senator from West Virginia has consistently demanded that we do more on homeland security than talk about it. So I thank him for his leadership on homeland security in general, and more specifically for his attention to chemical plant security.

The amendment Senator EDWARDS and I are offering today is the chemical security portion of Senator BYRD's amendment. It appropriates $80 million for the Department to conduct vulnerability assessments at chemical facilities—simple, with none of the other stuff that is such an onerous problem for the industry. Just get an assessment of what the risks are.

We would not tolerate this with our nuclear plants in this country. We check them out all the time. We have a whole infrastructure to do it. We have these plants located—again, 123 right in the middle of our most vulnerable areas, our most densely populated areas. This $80 million is the amount the Congressional Budget Office has estimated it will cost to conduct vulnerability assessments nationwide.

Some have questioned whether we should legislate this as a priority. They argue that we have funds in the bill that could be used for this purpose and that we should let the Department identify infrastructure priorities as they see fit. That certainly does not jibe with the language I have heard Secretary Ridge, EPA Director Whitman, the GAO, and others talk about,

and I would respond that chemical plants have consistently been identified by every security expert and leader as a top priority. They must be addressed.

Last week, Rand Beers, who until recently was a senior director for combating terrorism on the Bush administration National Security Council, was asked the following question:

When we think about homeland security, what specifically concerns you?

To which Mr. Beers replied:

We have looked at the chemical industries around the country and have a very serious concern. There are a number of these plants in locations around the country where an explosion would create a catastrophic result which could approximate the World Trade Center. These are areas where we need the Federal Government to give the chemical industry the guidelines that are necessary in order to protect those plants, because for the plants to simply do it on their own is going to create a great disadvantage to those who do and an advantage to those who don't because it will cost money. So it ought to be evened out across the industry.

I wish I had been as articulate as Mr. Beers. That is exactly what we need to be doing. By the way, it is unfair for those who are actually dealing with the problem relative to those who walk away from their responsibility in their communities.

Chemical plants were the first thing on Mr. Beers' list, and we have done nothing to address this threat. I think it is appropriate that we deal with it and give direction to the Department in this regard. This amendment, which would fund vulnerability assessments, is a positive step. It is one that we ought to take today. I also want to make it clear it is a first step, and we need to do more.

After we appropriate these funds, we will still have the task of passing authorizing legislation to assure appropriate security standards and accountability mechanisms are put in place, as Mr. Beers alluded to in his comments. We just have to get moving on this issue.

Earlier in the year, Senator INHOFE introduced his own bill on chemical plant security. There is much in that bill that I find positive. It does not go far enough, in my view, but it is a good first step. It is a great place to start. We need to get moving on this issue. We have people exposed to vulnerability that almost everyone recognizes and identifies. I think we need to get moving in the Congress, and I think the administration needs to step forward also.

Despite consistent statements in support of the concept of the legislation, it has not been pushed as a priority on the agenda. So I am calling on the President and Secretary Ridge to move on this issue. My goal is to truly develop bipartisan legislation, an effective approach that deals with the real vulnerability that we have; one that can move through this body and the House and be signed into law. For now, as a first step toward securing chemical plants, I urge my colleagues to support this simple amendment which will provide $80 million to the Department of Homeland Security to conduct vulnerability assessments at chemical plants. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator's amendment will add $80 million to the appropriations for the Office of Under Secretary for Information Analysis and Infrastructure Protection, and it is earmarked specifically to conduct chemical facilities security assessments. Our bill provides a total of $823,700,000 for the information, analysis, and infrastructure protection operating expenses.

The Senator adds his $80 million to that account and earmarks it for chemical facilities. There is no offset for this amendment. Therefore, it violates the Budget Act inasmuch as it surpasses the allocation available to the subcommittee to use in writing this bill. At the appropriate time I will make a point of order that it violates the Budget Act in that it is spending in excess of the subcommittee's allocation. I assume the Senator will move to waive the Budget Act and get the yeas and nays and the vote will occur on the motion to waive the Budget Act. That is my expectation. I am hopeful the Senate will refuse to waive the Budget Act.

What we are doing if we start down this path is not only adding money that is not available to the subcommittee, but we are earmarking specific, critical infrastructure facilities and telling the Department how much money they should spend on each one, or selected ones. It deprives them of the flexibility they need to use the funds they are given under this legislation to assign priorities as they understand the threats. Changing threats could mean a change in the areas where they are concentrating their activities and assessing the security of specific facilities in addition to chemical facilities.

Chemical facilities, incidentally, are considered critical infrastructure and they are defined as such in the bill. So there is no restriction for this agency to use the funds appropriated in this act for the purposes of assessing the security needs of chemical facilities.

I don't know how much time remains for the Senator, but I don't intend to debate this any further. When the time of the Senator is yielded back or used, I will make the point of order.

I make the point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee 302(b) allocation.

Mr. CORZINE. Pursuant to section 904 of the Congressional Budget Act 74, I move to waive the applicable sections of that act for the purposes of the pending amendment.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey has 3½ minutes remaining.

Mr. CORZINE. Mr. President, every department head, including the Director of Homeland Security, Secretary Ridge, has identified this as a priority. They have earmarked it, but we have yet to see the actual dollars flowing to meet the challenge that occurs in this area. Each day that goes by is another day of exposure to literally millions of Americans.

Given it is identified over and over again in the rhetoric and the memoranda to first responders across the country, in times of high tension and vulnerability, it seems to me we ought to single this out in a context that makes this a vulnerability that we will address. That is what my amendment is trying to do.

We have procrastinated long enough on an issue that is very important to the entire Nation with regard to these very serious vulnerabilities—100,000 Americans or more are at risk in 39 States. There are 123 facilities that expose more than 1 million people. That is why I make a point of bringing this up.

I appreciate the comments. I hope, with the dialog we are having, we will encourage the Homeland Security Department to be cognizant of the need to make these vulnerability assessments.

I yield back the floor.

AMENDMENT NO. 1351

The PRESIDING OFFICER. The next amendment is the Schumer-Baucus amendment. Under the previous order the Senator from Montana or the Senator from New York is to be recognized.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I am awaiting the arrival of my colleague from New York to offer the amendment. It is his amendment and I am a cosponsor. Pending his arrival, I will make a couple of statements. I do not have the amendment with me.

I am pleased to join with the Senator from New York, essentially offering an amendment that provides additional funds to increase the number of border personnel protecting the more than 5,000 miles of border we share with Canada.

It goes without saying that protecting this great Nation is the most important responsibility facing the Congress and the administration. Certainly enhancing border security is critically important in the wake of September 11, 2001. The need for increased security against threats from outside and within our country is evident.

Over the years our borders have seen a rise in the number of illegal aliens trying to gain entry into our country.

These individuals are using whatever means possible to get into this country, some to seek a better life, others to traffic in illegal and harmful activities, and some with even more nefarious goals.

Clearly, we must do more to control and prevent illegal entry into the United States. How do we do that? What is the best way? One, clearly, is to invest in advanced surveillance technology and communication systems that allow enforcement personnel to monitor the flow of individuals entering this country. All personnel involved with border security and law enforcement need to be able to communicate with each other effectively. Currently, it is very difficult for them to do so.

Illegal entry is usually gained somewhere along the vast 5,000-mile border between border stations. Sometimes it is at the border stations, but often it is in between them, in the mountains, in the plains, and the unobserved areas. In the mountains of northern Montana, for example, electronic sensors have recently picked up 1,000 crossings between Canada and the United States. Not one arrest was made from any of those sensor signals. What were those crossings? Who were they? What were they? Could it be wild animals, backpackers, illegal aliens? No one knows. Why? Because of the lack of personnel and proper equipment, we can only guess. We do not know what type of activity the sensors are picking up and what is crossing our borders.

The security of our Nation affects everyone. My example points out that the State of Montana faces unique issues regarding homeland security. Montana has the longest border with Canada in the lower 48 States. We border three Canadian provinces with a northern border of roughly 600 miles. Controlling the traffic of people coming in and out of the country through Montana is difficult, to say the least. People working at the border stations or near the border stations are extremely frustrated because of inadequate personnel, because of the inability of personnel to communicate with each other—regardless of what agency it might be. It might be DEA; it might be Immigration; it might be Customs. There are lots of agencies and each has different communications facilities. They have a hard time talking with each other.

In addition, there are very few personnel along that entire border.

Along with the sheer length of the border, the topography of the region makes patrolling it a terrific challenge. A lot of my colleagues have spoken to me and said how much they like visiting Montana because of the beauty of the State, particularly Glacier Park. It takes a lot of work to hike over those mountains and it is very difficult to protect that border with Canada. Then in eastern Montana, as far as the eye can see, are vast plains and it is very easy to cross the border from the United States through Montana.

Glacier National Park is located in the northwestern corner of our State. It crosses over to the Province of Alberta and the Province of British Columbia. It has sharp mountains and rugged peaks; it is wilderness but also an area that requires increased resources to monitor because it is so difficult to monitor that part of the border.

The U.S. Park Service is responsible for the security of our national parks. The National Park Rangers patrol the 40 miles of the international border that lies within Glacier Park with little increases in funding for park security.

Park services are already strained, our national parks are already strained for resources, and we need a vast increase in them, in my judgment. With the additional terrorism threat that faces our country, we have additional pressure for more resources to protect our borders.

I believe homeland security is of the utmost importance and our border agencies, law enforcement, and the National Park Service need a lot of help. If we do not increase the technology, if we do not increase the personnel needed for border security, we will certainly continue to see more individuals who will enter our country through the remote areas of the border, particularly in my State of Montana. We don't like it. We are very concerned.

There are also drugs coming down because of the inadequate number of personnel and inadequate equipment the current personnel have. Our country must do more to increase the number of border personnel to prevent this unwanted traffic.

Finally, we need to continue working with our neighbor to the north, continue working with Canada to secure our Nation's northern border, their southern border. We can do this with coordinated law enforcement operations, through intelligence sharing and infrastructure improvements but, again, this cannot be done just on the basis of words. It can only be done with effective manpower, with proper technology, and with good communication systems. It is clearly inadequate today.

I am pleased today to join with Senator SCHUMER to offer an amendment that will provide an additional $200 million to increase the number of border personnel. This will enhance our ability to conduct inspections of people and goods entering our country. I urge my colleagues to support the amendment.

This is not an idle statement; this is very important. If the Presiding Officer, who comes from a State which also borders with Canada, were joined with me in explaining to our colleagues just how important it is to protect that border and how easy it is to cross that border undetected—I am certain in the home State of the Presiding Officer it is almost as easy as in my State of Montana let alone other Western States.

I urge my colleagues to support this amendment. I guess it will be opposed, but, frankly, $200 million for additional border security I think is an investment very well worth it. It is an investment we must make.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I know my good friend and colleague, Senator BAUCUS, spoke on this amendment but I believe it has not been sent to the desk yet.

The PRESIDING OFFICER. That is correct.

Mr. SCHUMER. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, and Ms. STABENOW, proposes an amendment numbered 1351.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available an additional $200,000,000 to increase the number of border personnel at the northern border of the United States by the end of fiscal year 2004)

In title III under the heading ''SALARIES AND EXPENSES'' under the heading ''CUSTOMS AND BORDER PROTECTION'', strike ''$4,366,000,000,'' and insert ''$4,566,000,000, of which not to exceed $200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004 as authorized by section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) of 2001 (115 Stat. 342), and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Immigration and Customs Enforcement;''.

Mr. SCHUMER. Mr. President, my good colleague from Montana is from a State that is quite different from mine. He has summed up this bill well. We are from different States but we face the same problem, and that is our northern border is not guarded as well as it should be.

Frankly, I think our country has done a very good job on the southern border. We have had lots of problems there in the past. The various governmental agencies, prodded in part by this body and the other body, did a good job tightening things up.

There was really no need to tighten up the northern border until 9/11. But what we have learned is that the terrorists know what we are doing. They can log onto the Internet, even if they are in a cave in Afghanistan, as long as they have a wireless connection, and can learn what we are doing. So they know what we all know: The southern border is pretty well guarded but the northern border is not.

As a result, we have seen that various terrorists and others who seek to do damage to our country, evil acts in our country, perhaps, have started crossing at the northern border. It is a massive border. It has 128 ports of entry. It is 5,500 miles long. Large parts of it are totally unguarded. Some of it is water. The Canadian border that New York State shares with Canada is bounded by Lake Ontario and by the Niagara River and by the St. Lawrence River. It is a beautiful border, it is a peaceful border, but unfortunately it can be used by bad people for evil purpose.

The challenge we face is we have trade with Canada. Western New York, the north country in New York State depend on that trade. Yet we need to be more secure. Can we have security and commerce? Is there a tradeoff between one and the other? Only if we do not provide the resources. If we provide the resources for personnel, for equipment, for technology, we can have the best of both worlds—a northern border that is secure and a northern border where a free flow of commerce occurs. It is extremely important. Canada is my State's biggest trading partner. Last year we exported $9 billion worth of merchandise to the north.

In order to do what we do, we need a three-pronged approach. We must first have the technological programs such as FAST, NEXUS, and US VISIT. We need the VACIS radiological detection program. And, most important, we need sufficient staffing at the border.

We recognized this in the PATRIOT Act, where we authorized a tripling of Immigration, Customs, and Border Patrol. I have to be honest; it is not that this country has done nothing. There are now more people guarding northern borders than there were in September 2001. There were 2,300 in September 2001; there are now about 5,000. That is a significant advance and I am not critical of that advance; I think it is a good one.

But my motto in the post-9/11 world is a simple one: You can't be too careful. This is a greater expense but we need it. We need it both so commerce continues—I know your State, Mr. President, depends on that commerce as well—and we need it so our people can be more secure.

There should be, according to the PATRIOT Act, not just 5,000 men and women guarding that border, which there will be in September of 2004, but 6,900. That is a shortfall of 27 percent. We will basically have only three-quarters of the men and women at the northern border we publicly promised to station there.

That is less than one person per mile of the border.

The amendment of my good friend from Montana and I—again, from completely different States but who share the same problem of a border that is guarded better than before but still not well enough—allocates $200 million to the Bureau of Customs and Border Protection for the express purpose of adding new personnel to the northern border. We give the Department of Homeland Security flexibility to transfer these funds to the Bureau of Immigration and Customs Enforcement if needed to meet the PATRIOT Act goals.

I urge that we support it.

Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is not in order at this time.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment offered by Senators SCHUMER and BAUCUS increases the funding available for personnel along the northern border by $200 million to meet a level of personnel authorized by the USA PATRIOT Act.

This amendment is identical to the portion of the amendment offered by the Senator from West Virginia, Mr. BYRD, yesterday on which a point of order was made and the motion to waive failed. So the amendment was not agreed to.

I will make the same statements I made yesterday but in a different way—it won't be exactly the same—to explain why the funding made available in the bill has gone a long way toward achieving the goal. In fact, before the end of this fiscal year of 2004, there will be the number of agents anticipated and contemplated by the USA PATRIOT Act, and they are funded in the legislation that is before the Senate now.

Since fiscal year 2002, more than 5,000 additional inspectors, special acts, and Border Patrol agents have been funded by the Congress. The supplemental included $75 million for additional staffing for the northern border and maritime ports of entry. It also included $25 million to transfer 285 Border Patrol agents to the northern border.

The Bureau of Customs and Border Protection reports that over 4,000 inspectors have been added since September 11, 2001. Over 1,000 inspectors have been added to the northern border since 9/11; 613 Border Patrol agents are assigned to the northern border compared to 368 before September 11, 2001.

Commissioner Bonner plans to have 1,000 agents on the northern border by October of this year. When the new agents funded in the bill are counted, there will be over 11,600 Border Patrol agents in fiscal year 2004. This bill includes the maximum number of new border agents that can be absorbed in 1 year.

But for the purpose of our discussion on this specific amendment, I am constrained to point out that the amendment provides spending in excess of our allocation under the Budget Act and, therefore, I am constrained to make a point of order, and do hereby make a point of order, under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purpose of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Does the Senator yield back all time?

Mr. SCHUMER. I yield the remainder of my time.

Mr. COCHRAN. Mr. President, I yield all of the time available to me under the order.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1350

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided prior to the vote in relation to the Corzine amendment.

Mr. COCHRAN. Mr. President, I am prepared to yield back the 2 minutes available to me, if the other side will yield back its time. I think the amendment has been fully debated. It was simply put in order of reservation to protect the Senators who wanted to speak in addition to those 20 minutes that were provided to Senator CORZINE and 10 minutes to me under the order. I have no need of expressing myself again on this subject. I yield back the 2 minutes available to me under the order.

Mr. CORZINE. Mr. President, I will reiterate the strong feeling that we need to address chemical plant security in this Nation. There has not been the attention that is due to the millions and millions of Americans who are exposed to the potential for toxic fumes from a potential terrorist attack.

These plants are identified as one of most vulnerable elements by the Department of Homeland Security. They are cited in each of the notices to move to code orange as requiring the attention of local law enforcement and the providers of safety for communities. I think it is time for Congress to take action to assess these vulnerabilities on a complete basis. I hope we will come back and have some stricter requirements that will also deal with it. But that is the first step.

I appreciate the help of my colleagues and urge support of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Corzine amendment No. 1350. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 52, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—43

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—52

Alexander	Dole	Murkowski
Allard	Ensign	Nelson (NE)
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Breaux	Graham (SC)	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burns	Hagel	Snowe
Campbell	Hatch	Specter
Chafee	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Cochran	Kyl	Talent
Coleman	Lott	Thomas
Collins	Lugar	Voinovich
Cornyn	McCain	Warner
Craig	McConnell	
DeWine	Miller	

NOT VOTING—5

Crapo	Graham (FL)	Lieberman
Domenici	Kerry	

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1351

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes evenly divided prior to the vote in relation to the Schumer amendment.

Who yields time? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I will soon yield a minute to my colleague from Montana. The amendment is very simple. It brings up what we promised in the PATRIOT Act—funding for northern border personnel.

Right now, we have increased the personnel on the northern border, but we have not increased them to a level even close to the level we mentioned in the PATRIOT Act. The northern border has become the border of choice for those who want to infiltrate into this country and do real harm. It makes eminent sense to spend a relatively small amount of money—$200 million—to fulfill our promise and bring the Border Patrol and others, including Customs, to that border so we can have both commerce and security. We can have both if we provide the dollars.

I yield the remaining time to my friend from Montana.

The PRESIDING OFFICER. The Senator has 3 seconds.

Mr. BAUCUS. Mr. President, this is a great amendment.

Mr. COCHRAN. Mr. President, this amendment would exceed by a substantial amount the 302(b) allocation, if it were agreed to, that the subcommittee had to appropriate. In addition to that, the northern border will be fully staffed under the target provided in the USA PATRIOT Act with the funding that is already in this bill that has been previously appropriated.

This motion to waive the Budget Act should be rejected.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 51, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—45

Akaka	Daschle	Jeffords
Baucus	Dayton	Johnson
Bayh	Dodd	Kennedy
Biden	Dorgan	Kohl
Bingaman	Durbin	Landrieu
Boxer	Edwards	Lautenberg
Byrd	Feingold	Leahy
Cantwell	Feinstein	Levin
Carper	Graham (FL)	Lincoln
Clinton	Harkin	Mikulski
Conrad	Hollings	Murray
Corzine	Inouye	Nelson (FL)
Nelson (NE)	Reid	Schumer
Pryor	Rockefeller	Stabenow
Reed	Sarbanes	Wyden

NAYS—51

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner

NOT VOTING—4

Crapo	Kerry
Domenici	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 45 and the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENTS NOS. 1353 THROUGH 1359, EN BLOC

Mr. BYRD. Mr. President, I have a list of amendments which have been cleared by the distinguished Republican manager of the bill, Mr. COCHRAN, and have been cleared on both sides. They are on behalf of Senators BINGAMAN, DODD, BYRD, MURRAY, REID of Nevada, CONRAD and DORGAN, and EDWARDS. I ask unanimous consent that they be considered en bloc, agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that the amendments appear in the RECORD as though individually considered and adopted.

Mr. COCHRAN. Mr. President, I have no objection to the request of the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The clerk will report the numbers of the amendments.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments numbered 1353 through 1359, en bloc.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 1353

(Purpose: To provide for a study by GAO of the SEVIS)

On page 46, line 17, insert before the period the following:

''*Provided further,* That not later than 180 days after the date of enactment of this Act,

the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS''.

Mr. BYRD. Mr. President, the amendment I have offered on behalf of the Senator from New Mexico calls upon the General Accounting Office to submit a report on the implementation of the Student and Exchange Visitor Information System known as SEVIS.

AMENDMENT NO. 1354

(Purpose: To ensure that there is a robust program of research and development for the Coast Guard)

On page 50, line 16, after ''United States:'', insert the following: ''*Provided further,* That of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: *Provided further,* That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed $350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: *Provided further,* That the Commandant may seek an independent entity to conduct such a study:''.

On page 67, line 8, before the period at the end, insert the following: '': *Provided further,* That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: *Provided further,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation''.

Mr. BYRD. Mr. President, the amendment I have offered on behalf of Senator DODD does two things:

One, it ensures that funding to operate and maintain the Coast Guard's research and development, R&D, center in Connecticut is funded at levels provided in fiscal year 2003, which was $9 million supporting a staffing level of 107 employees. The Senate bill, as reported by the committee, denied the President's request for Coast Guard R&D and instead added $15 million to the Department's science and technology account to carry out the Coast Guard's R&D priorities. However, the committee intended for the operational costs of the Coast Guard's R&D center in fiscal year 2004 to be funded from the Coast Guard's operations and expenses budget.

Two, the amendment directs the Commandant of the Coast Guard to conduct a study on the R&D priorities for the Coast Guard and to examine the existing R&D organizational structure of the Coast Guard. The amendment allows up to $350,000 to be spent on such a study.

AMENDMENT NO. 1355

On page 75, line 5 delete all beginning with ''after'' down through and including ''Act'', and insert: ''the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, which is later''

Mr. BYRD. Mr. President, this technical amendment requires the General Accounting Office to report to the Committees on Appropriations on the privacy protections in the Transportation Security Administration's program known as, CAPPS II.

This report will be delivered either 60 days after the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II, or no later than 60 days after enactment of this act, whichever is later.

AMENDMENT NO. 1356

(Purpose: To provide funding for oil spill prevention)

On page 51, line 24, after the word ''equipment'', insert: ''including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program''.

Mr. BYRD. Mr. President, the Murray amendment included in the manager's package provides $1 million for the Ports and Waterways Safety Systems, PAWSS, which is the Coast Guard's program to improve waterway safety. The $1 million would continue efforts of the Coast Guard to upgrade technology at their Vessel Traffic Systems, VTS, which are located at nine U.S. ports.

The amendment includes an offset of $1 million from the Coast Guard's Defense Messaging System Implementation.

AMENDMENT NO. 1357

On page 75, between lines 5 and 6, insert the following:

SEC. 616 (a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants, which are administered by the Department of Homeland Security;

(4) the number of people in any city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and states, but are not included in the resident population of these cities and states; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

Mr. BYRD. Mr. President, the amendment offered on behalf of Senator REID, expresses the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

It is my understanding that this amendment has been cleared by the majority and has been adopted.

AMENDMENT NO. 1358

(Purpose: To require the Under Secretary for Emergency Preparedness and Response to review any outstanding claims by the University of North Dakota relating to damages and costs associated with the April 1997 flooding in North Dakota and report to Congress on the efforts to resolve such claims)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than 30 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified by Emergency Preparedness and Response as DR–1174–ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to—the Committees on Appropriations of the Senate and House of Representatives.

Mr. BYRD. Mr. President, I support the amendment of Senator CONRAD and Senator DORGAN. I understand the amendment also has the support of the majority.

The amendment would direct the Under Secretary of emergency Preparedness and Response to review and report back to the Homeland Security appropriations Subcommittee on efforts to resolve the outstanding disaster claims from the University of North Dakota.

Only $718,675 is in dispute between the University and the Emergency Preparedness and Response Directorate related to damages the university sustained during the 1997 flood.

These claims have been pending for 6 years.

Senator CONRAD and Senator DORGAN have been working to resolve them, but the Department has been less than cooperative.

I support the efforts of my colleagues to bring this matter to closure.

AMENDMENT NO. 1359

(Purpose: To require a report on the vulnerability of large sports and entertainment facilities)

On page 66, line 3, after ''Center'', insert:

Provided, That no later than 120 days after enactment the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity).''

Mr. BYRD. Mr. President, this amendment will require that no later than 120

days after enactment of this bill the Under Secretary of Information Analysis and Infrastructure Protection will report to the House and Senate Appropriations Committees on the vulnerability of our Nation's largest sports and entertainment facilities.

HIGH-THREAT URBAN AREAS

Mr. CHAMBLISS. Mr. President, I express my support for the allocation of funds from the discretionary grants program to high-threat urban areas, including the city of Atlanta. Atlanta was not recognized by the Department of Homeland Security as a high-threat urban area in the department's last round of funding grants based on the department's grant criteria.

Mr. MILLER. Mr. President, if my colleague from Georgia would yield for a moment, Atlanta is the largest city in the south, with one of the busiest airports in the country, as well as being home to the Centers for Disease Control and Prevention. Therefore, I find it shocking that Atlanta was not considered a high-threat urban area.

Mr. BAYH. I have been listening with great interest to my friends from the State of Georgia discuss their concerns with the high-threat urban grant program. I, too, was surprised to hear that a city as large as Atlanta did not receive any of these funds. I would ask my distinguished colleague from the State of Georgia if he was aware that Indianapolis, or any other city in the State of Indiana for that matter, did not receive any funds from the high density, high-threat urban areas grant program.

Mr. MILLER. I was unaware that Indianapolis did not receive funds under this vitally important program. As both Senators realize, it is essential that all our large cities obtain adequate funding for homeland security. It seems remarkable that two cities with such a large quantity of critical infrastructure did not receive any funds under the program.

Mr. BAYH. Mr. President, I was disappointed to learn that not one city in my home state received any of the $700 million allocated in the fiscal year 2003 Supplemental for high-threat urban areas. After all, Indianapolis is the 12th largest city in the United States and hosts two of the three largest sporting events in the world each year. Every year, over one million race fans visit the great State of Indiana to attend the Indianapolis 500, the Brickyard 400 and the U.S. Grand Prix. I believe it is imperative that Indianapolis receive funds through the high-threat urban areas grant program to ensure a sufficient level of security is provided to all Hoosiers in central Indiana. I thank my distinguished colleagues from Georgia for their attention to this matter.

Mr. CHAMBLISS. I thank my distinguished colleagues from Georgia and Indiana for their questions and concerns pertaining to this matter. In response to my colleague from Georgia; not only is it true that Atlanta is the largest city in the South, with the busiest airport in the nation as defined by the largest volume of air carriers in the industry and home of the CDC and the U.S. Army Forces Command headquarters, it is also true that Georgia is the tenth largest state in the nation based on population and plays host to numerous high profile events. It is extremely important to Atlanta and the state of Georgia that Atlanta receive adequate consideration for funding from the DHS via the high-threat urban area grant program in the future to better ensure a secure city of Atlanta and the state of Georgia. I thank my distinguished colleagues from Georgia and Indiana.

EMERGENCY WARNINGS

Mr. EDWARDS. Mr. President, I applaud the Appropriations Committee's efforts to improve our public warning system in the event of a terrorist attack. Right now, we depend almost exclusively on television and radio, which most of us wouldn't hear should a disaster occur in the middle of the night. I support the Committee's efforts to include the full range of communications technologies in our alert system. Public warnings save lives, and we must ensure that warnings reach every American in times of danger.

While terrorism warnings are vitally important, we must not forget that more than 95 percent of all public warnings deal with weather hazards like hurricanes and floods. I am concerned that creating a new public warning system to alert Americans in the events of a terrorist attack, rather than building upon an existing warnings network, like National Oceanic and Atmospheric Administration, NOAA, weather radio, could further confuse and frustrate the public.

During consideration of the supplemental earlier this year, the Senate passed an amendment I introduced to incorporate terrorism warnings and updated technologies within National Oceanic and Atmospheric Administration, NOAA, weather radio. The House Appropriations Committee Report also includes language about incorporating terrorism alerts within NOAA weather radio. I believe very strongly that the Senate must also be on record supporting an integrated alert system. Such a system must make use of all existing communication technologies, including traditional telephones, wireless technology, including cellular telephones and pagers, and the Internet. This can only be achieved if the Chairman of the Federal Communications Commission, the Secretary of Commerce, representatives of State and local governments, and representatives of the private sector, media, and academia are all involved.

Mr. COCHRAN. The Committee supports the creation of a national, all hazards warning network, and will work in conference to achieve this goal.

Mr. EDWARDS. I thank my distinguished colleague for the clarification.

U.S.-MEXICO BORDER VULNERABILITY

Mr. BINGAMAN. Mr. President, I engage in a colloquy with the chairman and ranking member of the Homeland Security Appropriations Subcommittee.

Mr. President, let me begin by thanking Senators COCHRAN and BYRD for their leadership on this legislation. They have crafted a very good bill, which will go a long way toward improving security along our Nation's borders.

For many years now, I have been concerned about the vulnerability of the U.S.-Mexico border in my home state of New Mexico. I think a lot of people would be surprised to learn that there are still miles of border land where there is nothing separating my state from Mexico. To correct this problem, I requested and the Appropriations Committee approved $967,000 in fiscal years 2000 and 2001 for the Border Patrol to construct vehicle barriers along the U.S.-Mexico border in New Mexico.

The original appropriations are now nearly exhausted and this important project will have to come to a halt in the near future if more funding is not allocated to this effort. I have been informed by the New Mexico Border Authority that an additional 76 miles of vehicle barriers need to be constructed at an estimated cost of approximately $2.4 million.

I understand that the bill we are now considering includes $90.3 million for construction for the Bureau of Customs and Border Protection. Is it the expectation of the chairman and ranking member that the funds in this account could be used for continuing the construction of additional barriers?

Mr. COCHRAN. That is my expectation.

Mr. BYRD. I concur that this funding could be used as the Senator from New Mexico describes.

Mr. BINGAMAN. Let me also ask whether it is the opinion of the chairman and ranking member that this project is worthwhile and that the Department of Homeland Security should be encouraged to continue it in fiscal year 2004?

Mr. COCHRAN. Let me assure the Senator from New Mexico that I recognize the need for continuation of this project in his State, and that the funding provided to the Department of Homeland Security by this bill would be available for this purpose.

Mr. BYRD. I also agree that the Department of Homeland Security should continue the efforts that have been initiated by the Senator from New Mexico. There are serious needs that ought to be met along the border in his State, and it is my belief that the Department should continue to construct vehicle barriers using the funding we have provided in this bill.

NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

Mr. DOMENICI. Mr. President, I engage the distinguished Senator from

Mississippi and chairman of the Homeland Security Appropriations Subcommittee in a discussion about the National Infrastructure Simulation and Analysis Center—or NISAC—and its importance to the overall mission of the Department of Homeland Security.

I understand the desire of the chairman to give the Department of Homeland Security the maximum flexibility to identify potential terrorist threats and to appropriately respond to them. However, there are ongoing programs that I believe deserve the Senate's support and that need to be put in place to assist with this important responsibility.

The National Infrastructure Simulation and Analysis Center was established in fiscal year 2000 by Department of Energy national laboratories at Sandia and Los Alamos in New Mexico to model critical infrastructure in the nation to identify vulnerabilities to potential terrorist attacks, prepare for such attacks, and to mitigate and respond to such attacks if necessary.

Following the terrible events of September 11, NISAC was specifically authorized in the Patriot Act and received appropriations of $20 million in fiscal year 2002 to continue to implement the program.

The Patriot Act established NISAC ''to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counter terrorism, threat assessment, and risk mitigation.'' The Act defines the need for this modeling and simulation to evaluate ''appropriate mechanisms to ensure the stability of these complex and interdependent systems. . . .'' NISAC is being designed to understand the full consequences of disruptions of the nation's infrastructure, including direct consequences, lives lost, property destruction, contamination, secondary consequences, economic disruptions and national defense threats, and cascading consequences, infrastructure interdependencies and regional interdependencies.

For the current year, fiscal year 2003, $27.5 million has been approved for NISAC—$20 million in program funding and $7.5 million for a NISAC facility at Kirtland Air Force Base in New Mexico. These funds were provided in the Consolidated Appropriations Act enacted this past February.

NISAC has now been transferred to the Department of Homeland Security. First, I call on the Department of Homeland Security to release the fiscal year 2003 funding immediately so the NISAC program is not delayed. The Department is sitting on $15 million in program funding and $7.5 million for the NISAC facility in New Mexico, and Sandia and Los Alamos need these funds to continue to develop NISAC.

It is my understanding that the President's fiscal year 2004 budget request includes $23 million in the Information Analysis and Infrastructure Protection Directorate for continued development of NISAC, and that the President's request for NISAC funding is approved in this bill. May I inquire of the chairman if this is indeed the case?

Mr. COCHRAN. The Senator from New Mexico is correct. Although the Department of Homeland Security is newly constituted and its budget submission is not completely detailed, I have confirmed with the Administration that the National Infrastructure Simulation and Analysis Center, or NISAC, receives $23 million in the budget request for the Information Analysis and Infrastructure Protection Directorate. Those funds are approved in the Committee-reported bill.

Mr. DOMENICI. I thank the Senator for clarification on this point.

Mr. President, NISAC fills a critical need in our work to secure the United States against terrorist attacks. By utilizing the modeling and simulation analysis capabilities at the DOE labs, NISAC is providing the Department of Homeland Security with science-based information and analysis to understand the full consequences of disruptions to the Nation's critical infrastructure. NISAC can assess infrastructure vulnerabilities, interdependencies, and complexities to help the department, industry and other government agencies protect and secure critical infrastructure against terrorist attacks.

NISAC is already at work to help protect the critical infrastructure of our Nation against terrorist attack. NISAC has looked at port security with specific demonstrations in the Pacific Northwest in Seattle and Portland. NISAC has supported the TOPOFF II exercise to help evaluate the impact of decisions made during an exercise simulating a biological attack. NISAC is being tasked to model critical industries and critical links in the nation's transportation network.

NISAC has developed an initial suite of modeling, simulation and analysis capabilities that address urban, regional, and national interdependent infrastructures that only the Federal Government has the resources to accomplish. This package can be adapted for new issues, new regions, and new infrastructures to help secure the Nation against future terrorist events.

Mr. President, I am excited at the work already performed by NISAC, and the development that is underway on NISAC to help the Department of Homeland Security address potential terrorist threats against the Nation's critical infrastructure. I encourage the Department to embrace the NISAC program and to fully utilize the talents and expertise of Sandia and Los Alamos National Laboratories who have developed NISAC. Would the Chairman join me in that message to the Department of Homeland Security?

Mr. COCHRAN. I join the senior Senator from New Mexico in urging the Department of Homeland Security to utilize the National Infrastructure Simulation and Analysis Center and to support partnerships with the DOE national laboratories in New Mexico. I concur that the Nation's critical infrastructure is a potential target for future terrorist attack and that the Department must move swiftly to assess the nature of those threats and secure our critical infrastructure against such attack.

Mr. DOMENICI. I thank the distinguished Chairman of the Homeland Security Appropriations Subcommittee for his recognition of this important component of the Federal homeland security effort.

NATIONAL CENTER FOR DISASTER DECISION MAKING

Mr. WYDEN. Mr. President, as the Senate considers the fiscal year 2004 Homeland Security Appropriations bill, I want to bring to the Senate's attention a national program operating in my home State of Oregon that promises to provide important training for our Nation's State and local civilian officials who oversee first responders.

The National Center for Disaster Decision Making, or NCDDM, is a strong partnership of public and private entities seeking to provide leaders with the skills necessary to combat terrorism.

Although Congress and the administration have provided significant funds for first responder training, we have not emphasized the importance of preparing our State and local leaders who oversee and coordinate first responders. When a crisis occurs, the people who command first responders will be required to make critical decisions that we hope will mitigate loss of life and property. These leaders need to have comprehensive training and education that best prepares them to respond to any crisis or disaster that may occur in their local communities.

I want to confirm that it is the committee's intent that entities, such as the NCDDM, are eligible for funding from the Department of Homeland Security now, and that under the fiscal year 2004 Homeland Security Appropriations bill, the NCDDM will also be eligible to apply for competitive grant funding for ''emerging'' training available from the Office for Domestic Preparedness.

Mr. COCHRAN. The senior Senator from Oregon is correct; that is the committee's intent.

Mr. SMITH. I join my distinguished colleague from Oregon in applauding the NCDDM program. This program will prepare civic and business leaders to face the challenges presented by domestic emergencies. NCDDM will enhance the decision-making abilities of first responder management, health managers, and appointed and elected officials.

As our Nation continues to fight terrorism, programs like NCDDM will be an important component of our homeland security strategy. I thank my colleagues—the chairman of the Homeland Security Appropriations Subcommittee COCHRAN and Ranking

Member BYRD for their support of this program and for their clarification of the committee's intent in assuring that the NCDDM program is eligible for funding today and may apply for competitive grant funding under the Office of Domestic Preparedness national programs in fiscal year 2004.

Mr. BYRD. I agree with my colleagues and I encourage the NCDDM to apply for the grants under this office. As a training center for those who oversee our State and local first responders, this program should be in good standing for Office for Domestic Preparedness grant programs.

Mr. COCHRAN. I agree with the senior Senator from West Virginia and the ranking member of the Homeland Security Appropriations Subcommittee.

THE MULTI-STATE ANTI-TERRORISM INFORMATION EXCHANGE PROGRAM

Mr. GRAHAM of Florida. I ask Senator COCHRAN and Senator BYRD are you aware of the Multi-State Anti-Terrorism Information Exchange Program, or the MATRIX program, which is a powerful new tool used by our law enforcement officers to combat terrorism and domestic crime?

Mr. COCHRAN. Yes, I am aware of the MATRIX program and the promise it has shown in providing State and local first responders with the information they need in their fight against terrorism.

Mr. BYRD. Yes, I am also aware of this program and understand that, for the first time, Florida's local and State law enforcement officials have access to an integrated law enforcement database that can provide them with the needed law enforcement information.

Mr. NELSON of Florida. We are faced with a changed world following the terrorist attacks of September 11, 2001. It is imperative that our Nation's first responders be given the necessary tools they need to fight this war. From our Nation's busiest ports and key border crossings, to local law enforcement in rural America charged with safeguarding critical infrastructure, there is a great and growing need for timely and accurate information. That capability is now possible with the MATRIX system.

Mr. GRAHAM of Florida. I can attest to the success the MATRIX program has had in our home State of Florida. Time is critical in preventing acts of terrorism. Our law enforcement officials in Florida tell me that, with the advantages of the MATRIX system, they have seen significant improvements in cases involving kidnapping, identity theft, drug trafficking and terrorism, just to name a few. MATRIX has been a resounding success, with the program set to expand to 12 additional States in the near future, including Kentucky, Pennsylvania and Texas.

Mr. NELSON of Florida. I would like to remind Senators COCHRAN and BYRD that the MATRIX program has received $10 million in grant funding from the Department of Homeland Security.

Mr. GRAHAM of Florida. Yes, for the first time, States will be able to share information through this integrated database system, providing law enforcement officers with the information they need to investigate threatened acts of terrorism or domestic crimes. The same results would have required many hours to accomplish. Those hours can now be compressed, freeing up limited law enforcement resources to focus on critical priorities, such as responding to terrorist threats.

Mr. NELSON of Florida. Senator BYRD, do you believe that the MATRIX system would qualify for continued funding from the Department of Homeland Security?

Mr. BYRD. The committee is aware of the benefits of this program to States in winning the war against terrorism. I believe it qualifies for continued funding from the Department.

Mr. GRAHAM of Florida. My colleague from the State of Florida and I encourage the Department of Homeland Security to identify additional funds for the MATRIX program, as it is clear the existing information systems and networks upon which our first responders rely need to be upgraded to fight the global war on terror. And I thank the chairman and ranking member for their comments.

FORT GORDON, GEORGIA

Mr. CHAMBLISS. Mr. President, I rise today to express my support for a Homeland Security mission at Ford Gordon. Fort Gordon has been recognized as possessing a number of homeland security resources.

Mr. MILLER. If my colleague from Georgia would yield for a question, would you expand on any ongoing training missions in disaster preparedness at Fort Gordon at this time and how these missions incorporate other agencies?

Mr. CHAMBLISS. I thank my distinguished colleague from Georgia for his question and concern about this matter. It is true, that training missions pertaining to disaster preparedness are currently taking place at Fort Gordon. I would also like to point out to my colleague from Georgia that numerous other local State and Federal agencies including partnerships between the Eisenhower Army Medical Center, the Medical College of Georgia, and the Federal Emergency Management Agency have all played an active role in this training.

Mr. MILLER. If the Senator from Georgia would yield for another question, it is my understanding that implementing a training mission at Fort Gordon would greatly contribute to the national security of this country. For the benefit of our colleagues, would you expand on that point?

Mr. CHAMBLISS. I thank the Senior Senator from Georgia for his question. Implementing a training mission at Fort Gordon would provide our country with the necessary combination of diverse military and civilian assets to better prepare us in the future from any threats to our national security. It is extremely important that we establish a homeland security mission, and for the record I would like to make it known that the committee has noted that this bill makes available $60 million for a competitive training grant program and I would encourage Fort Gordon to put in for an application for these available funds. I thank my distinguished colleague from Georgia.

CORRECTIONS TO SENATE REPORT 108–86

Mr. COCHRAN. Mr. President, I would like to note for the record the following corrections to Senate Report 108–86 accompanying H.R. 2555 as reported by the Senate, the Department of Homeland Security Appropriations Act, 2004.

On page 5, line 3, the dollar amount should read "$40,000,000."

On page 47, the second paragraph, the description of local government should reflect that the Subcommittee amended the report to include "borough."

PLAYAS PROJECT

Mr. DOMENICI. Mr. President, I wish to discuss a very important homeland security project being developed in New Mexico.

Responding to our Nation's need for more sophisticated security, the New Mexico Institute of Mining and Technology, NM Tech, and New Mexico State University, NMSU, are collaborating to create and operate the National Emergency Response Training, Research, and Development Center. This center would be located in Playas, NM.

Playas is a small town in Hidalgo County, NM, that was built in the late 1970s by the Phelps Dodge Mining Company to provide housing for 1,000 workers employed at its nearby copper smelting operation. The town includes 259 modern homes and 25 apartment units, a community center, restaurant, bank, gas station, post office, fire station, medical center and airstrip. It also has recreational facilities including a bowling alley, fitness center, rodeo arena, basketball courts, tennis courts, and swimming pool. Smelting operations were suspended in 1999 and currently the town is almost completely uninhabited.

NM Tech, a member of the Department of Homeland Security's, DHS, Office for Domestic Preparedness, ODP, National Domestic Preparedness Consortium, is currently in the process of purchasing Playas. If bought using ODP funds and properly developed by New Mexico Tech and then transferred to DHS, Playas could become a critical national facility for securing our Nation against future terrorist attacks. NM Tech and NMSU see it playing two critical roles, as an advanced training facility where our Nation's first responders can practice real world training scenarios and a place where biological, agricultural and environmental terrorism can be studied.

First, the center will provide standardized emergency operations training for our Nation's First Responders. Specifically, it will provide advanced

training for emergency operations personnel, emergency medical personnel, and physicians. This training would focus on teaching advanced skills that will dramatically increase the technical capacity of emergency response organizations to manage incidents involving chemical, biological, radiological, explosive, and environmental agents. Training participants would also learn how to increase public confidence and foster organizational cooperation among local, State, Federal, and private sector emergency responders. Relationships fostered by this training will help to increase communications among local, regional and national emergency response organizations regarding mutual aid, information sharing, emergency credentialing, equipment interoperability, security clearances, and secure communication systems.

Second, the center will focus on ensuring the biological security of our Nation's agricultural assets and natural resources. Playas will provide a secure environment where university researchers can work collaboratively with private sector companies to study our homeland security challenges and develop new tools for fighting terrorist activities. The center will allow our researchers to network with other scientists throughout the world to develop and maintain constantly evolving strategies for dealing with biological security threats or breaches. Initially, these research efforts will focus on food supply security including crops and livestock, pipeline security, and transportation system security.

New Mexico Tech will be the lead organization for this project and will provide the administrative, maintenance, and operations infrastructure needed to support this project. New Mexico Tech will conduct extensive research and training programs at this location. Its research efforts will be coordinated closely with programs currently offered on its Socorro campus and will include research initiatives regarding dirty bomb detection; suicide bomb detection; and oil and gas infrastructure protection. New Mexico Tech's training efforts will focus on providing advanced skills training for emergency personnel and will build on the first responder training currently offered by the university.

New Mexico State University will focus its efforts on conducting research and developing complementary programming that will protect our Nation's natural and agricultural resources from biological security breaches. Though significant natural biological security breaches have occurred in the past decade, current security trends indicate that in the near term even greater risks may be associated with breaches maliciously perpetrated by terrorist organizations. NMSU's research efforts would focus on securing our Nation's agricultural and biological environments that would include developing a state-of-the-art rural border crossing facility with testing and engineering facilities. This would include assessing our Nation's agricultural security infrastructure, preventative activities, training programs, and response protocols.

The Playas purchase would add significantly to the DHS infrastructure arsenal by providing a working town for real world training scenarios like those carried out at Hogan's Alley, a mock town used to train agents at the FBI's training academy in Quantico, VA. I believe that this could prove to be a very useful piece of property for the Department of Homeland Security. There are undoubtedly a number of possibilities as to potential uses for this land, including an infrastructure protection and training center. We all recognize that real world training for first responders and anti-terrorist organizations within our government will be of vital importance to accomplishing our mission. Because the entire necessary infrastructure is in place, this town could be used for training personnel charged with protecting our homeland. Furthermore, our Nation must be able to handle agricultural and biological outbreaks that could significantly harm our citizens and crate chaos in our agricultural sector. Playas is the perfect location to study and train against these problems.

I suggest that the Department of Homeland Security work with NM Tech to purchase this town. I am certain it could be a great training and research asset for the new Department.

FIRST RESPONDER TRAINING

Mr. DOMENICI. Mr. President, I express my concern about the Committee recommendation for the National Domestic Preparedness Consortium, which is provided $140 million in the Senate version of the FY 2004 Department of Homeland Security Appropriations bill.

I understand the desire of the Committee to give the Department of Homeland Security the maximum flexibility to identify threats and appropriately respond to them. However, there are ongoing programs that I believe deserve the Committee's support and that need to be put in place to assist with this important responsibility.

The National Domestic Preparedness Consortium is one of those programs. I believe the consortium needs about double the amount in the current bill to meet the need to train our first responders—our firefighters, police officers, and emergency medical personnel.

The National Domestic Preparedness consortium was created with the able guidance and support of Senator GREGG following the 1998 Oklahoma City bombing tragedy. Senator GREGG has been the leader in the Senate in recognizing the potential threat of terrorism and providing direction and funding to prepare the nation to respond to this threat in his position as Chairman of the Committee, Justice, State, and the Judiciary Appropriations Subcommittee.

The consortium, which includes the New Mexico Institute of Mining and Technology as one of its training partners, has the expertise to train our first responders in conventional explosives.

New Mexico Tech alone has trained more than 6,000 first responders at its one-week advanced course, and more than 40,000 first responders in its general course.

The other consortium training partners—Texas A&M University, Louisiana State University, and the Nevada Test Site—have unique facilities and expertise to give our first responders the best training, and coordinated training that is so important during an emergency situation. The consortium is led by the National Preparedness Center at Fort McClellan, AL.

I firmly believe we need to support the National Domestic Preparedness Consortium with the funding needed to fully utilize its capacity and to train as quickly as possible the additional thousands of first responders who need training in a comprehensive and coordinated fashion.

The $20 million provided to each of the four training partners in the consortium is below the $30 million they each received in FY 2001 and FY 2002. It is an artificial level developed with the delay in enacting the FY 2003 appropriations bills that eventually passed as a consolidated bill this past February, nearly five full months into the fiscal year.

I hope as this bill moves forward that we will recognize this extremely valuable homeland security asset and will provide significantly more funding for the National Domestic Preparedness Consortium in the final bill so that we can train our first responders without delay.

Mr. COCHRAN. Mr. President, after discussing the plan for further consideration of this bill, we understand there are a few more amendments that are going to be offered. We have the expectation we can complete action tomorrow on this bill after we consider the amendments that remain to be offered.

I know of no Senators who plan to offer amendments at this time to the bill. If there are any Senators who want to offer amendments, I am prepared to stay as long as Senators want to discuss their amendments. I await the pleasure of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate

now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES DAVIS

Mr. SCHUMER. Mr. President, I wish to say a word about the tragedy in New York. I knew James Davis quite well. I spoke at his inaugural. He doesn't live very far from me in Brooklyn. I will speak more about him tomorrow. But I just want to say that he was a wonderful man. He had a smile on his face a mile wide. He was so happy. After many tries, he was elected to the city council. His devotion to the people he represented and to his ideals was second to none. It was a terrible tragedy. We all regret it.

There is a sad face hanging over New York and America tonight. We pray for James, for his family, for his friends, and for everyone in his life who he touched.

IN REMEMBRANCE OF STROM THURMOND

Mr. LEAHY. Mr. President, shortly before Senator Thurmond retired from the Senate, I included a tribute in the CONGRESSIONAL RECORD on his long career. As the Senate notes his passing so soon after his retirement, I ask unanimous consent to have printed in the RECORD my earlier remarks from September 24, 2002.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I rise today to pay tribute to a colleague who has a career of public service that may never be matched again in the history of our country.

Strom Thurmond sits on the other side of the aisle in the Senate chamber but I consider him a friend with whom I have worked closely. I will miss him.

We often worked together in the field of antitrust laws. We worked together on the National Cooperative Production Amendments of 1993, the very first high technology bill signed by President Clinton, and to improve the protections against anticompetitive conduct in the Digital Performance Rights in Sound Recordings Act.

Senator Thurmond has been a legislator. I must admit that when Senator Thurmond and I have worked together, it has raised some eyebrows. Whenever we introduced legislation together, he and I fondly remarked that the bill was either a brilliant piece of drafting or one of us had not read it.

Needless to say, there have been many occasions when Strom and I sat on opposite sides of an issue. Even though there were issues about which we felt deeply, Senator Thurmond always conducted himself with the utmost integrity. Strom has always told the Senate how he felt and did so with the people of South Carolina first and foremost in his mind.

Senator Thurmond has always been a gentleman. His warmth and kindness one afternoon in the Senate Dining Room framed what has to be one of the strangest meetings of all times in that venue. In 1994, I invited Jerry Garcia and the Grateful Dead to join me for lunch in the dining room. As we sat down for lunch, Senator Thurmond entered the room and came over to say hello. I took the opportunity to introduce him to Jerry. It was quite a meeting of cultures.

Besides our devotion to the Senate, I share with Senator Thurmond the distinction of being from a State that has provided the Senate Judiciary Committee with three Chairmen over the history of the Committee. South Carolina and Vermont each have had three Senators who have chaired the Committee.

I have learned much from the senior Senator from South Carolina. Let me share with you one additional aspect of Senator Thurmond's legacy to the Senate as he completes this term and retires from office. In addition to all his longevity records and legislative achievements and buildings named for him, there is something else about him I will always remember.

When we hold hearings for Federal judges—and we have held a number this year—I am always careful to carry on a tradition that Senator Thurmond started. Senator Thurmond always reminded nominees for high office that it is essential to treat others with courtesy and respect. He always reminded nominees that the people and lawyers who appeared before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, they are each and every one deserving of respect and fairness.

Senator Thurmond was right to remind judges—and even Senators—of that simple rule. It is another contribution he has made to all of us that will continue to serve us well.

Mr. President, as I said earlier, I will miss Strom Thurmond. He has been named President-Pro-Tempore Emeritus for good reason.

TRIBUTE TO THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Mr. HATCH. Mr. President, I rise today to mark the 50th anniversary of the American Political Science Association's congressional fellowship program. It is the oldest program on Capitol Hill designed to place professionals from a variety of backgrounds in Congress for 1 year. Since its modest beginning in 1953, APSA's congressional fellowship program has grown into the established and respected program that it is today.

The intent of the program is to immerse professionals in the legislative process of the U.S. Congress. These midcareer professionals are chosen by way of a careful selection process, go through a congressional orientation program, and participate in biweekly education seminars throughout their fellowships. These individuals come from academia, journalism, foreign countries, the health care field, and Federal Government. Each year, the selected fellows serve on congressional staffs and acquire ''hands on'' experience while gaining insight into the legislative process, politics, and public service. This unique opportunity enhances APSA fellows' knowledge of, and scholarship on, Congress and policy-making, which can only help improve public understanding of our Government. In turn, our constituents benefit by the expertise the fellows bring to Congress. More than 1,800 individuals have participated in the program since its inception; today the average annual class consists of 40 to 45 fellows.

I would be remiss if I did not mention the fact that the Robert Wood Johnson Health Policy Fellowship program became affiliated with APSA in 1974. This prestigious fellowship program, which is funded by the Robert Wood Johnson Foundation and is administered by the Institute of Medicine, enables midcareer health care professionals to experience the intersection of policy and politics first hand. It is an invaluable interaction from which we all benefit; my office benefits from the expertise these professionals bring to Congress, while the fellows return to their professions and their communities with a better understanding of the policy process.

Over the years, I have been pleased to host a number of APSA and RWJ fellows who have provided unique insights and capabilities and have helped me in making important differences in the lives of Utahns in areas such as health care, tax, economic, and natural resource policy. I am grateful to have had the opportunity to share in this program, and I commend APSA for initiating the program 50 years ago. I hope it will continue for many years to come.

Mr. REED. Mr. President, I rise today to commemorate the 50th anniversary of the American Political Science Association, APSA, Congressional Fellowship Program.

The APSA Fellowship Program is a highly selective, nonpartisan legislative working experience that provides fellows with ''hands-on'' experience as legislative assistants on personal or committee staff. Founded in 1953, the APSA Congressional Fellowship Program helps to expand the knowledge and awareness of Congress to professionals from academia, journalism, health care, foreign countries, and government agencies. It enables fellows to observe and participate in the inner workings of Congress and the policymaking process. In doing so, fellows gain a greater appreciation for and knowledge of the policymaking process. Overall, the APSA Congressional Fellowship Program offers an enriching experience for its participants by providing a 3-week orientation program, allowing fellows to select their own placements, and conducting ongoing seminars throughout the fellowship period.

I have been fortunate to host four APSA fellows. In 2000, Hanna Marter, a Federal fellow from the Central Intelligence Agency joined my staff to work on health issues. In 2002, Joyce Iutcovitch, an American Sociological Association fellow, worked in my office on education issues, and Deborah Wolf, a Federal agency fellow from the Food and Drug Administration, worked on health care issues. Currently, Susan Dimock, an American Sociological Association fellow, is serving on my staff working on health care issues. APSA

fellows have contributed to my office by applying their expertise and analytical skills to policy issues, and have functioned as full members of my staff.

Let us recognize the APSA Congressional Fellowship Program and its 1,800 alumni for their contributions to the legislative work of Congress and to furthering participation in the democratic process.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crime legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Grand Rapids, MI. Justin Bogdanik, 18, was seen June 25, 2003, getting into a white tractor-trailer cab. The next day, he was found unconscious in a ditch at a Livingston County rest stop, 80 miles to the east. He had been beaten unconscious, his eyes were glued shut, there was adhesive on his genitals, and there were signs of sexual torture. Justin was taken to a hospital, where he survived on life support for almost 2 weeks. He died on July 8, 2003. Police in Grand Rapids are investigating this brutal attack as a homicide and a hate crime-related death.

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.

ADDITIONAL STATEMENTS

TRIBUTE TO DAVE THOMAS

● Mr. DEWINE. Mr. President, I rise today to pay tribute to Dave Thomas—a man who was known by many and loved by all. Dave was a great American, who launched an extremely successful career by opening his first Wendy's restaurant in my home State of Ohio in Columbus. He passed away in January 2002, at the age of 69.

Earlier this year, along with several of our colleagues, Senator LEVIN and I introduced—and the Senate accepted by unanimous consent—a resolution to honor Dave Thomas. And today, President George W. Bush is awarding Dave Thomas the Presidential Medal of Freedom for his lifetime of philanthropy and service to his fellow man. While this award is being given to Dave posthumously, his tremendous spirit continues to be felt in Ohio and across our Nation.

Although he faced incredible challenges as a child, Dave committed himself to success through a simple life philosophy: ''work hard and be honest.'' Dave grew up in a family that was constantly on the move, his father always looking for steady work. Getting a start in the restaurant business at the young age of 12, Dave worked hard to help his struggling family while going to school at the same time. However, school wasn't easy for Dave Thomas. The constant moving landed him in 12 schools in 10 years. Dave dropped out of the 10th grade because it interfered with his work. He did, however, eventually earn his GED as an adult in 1993, a GED from Coconut Creek High School in Fort Lauderdale, FL.

In 1953, Dave had a job working for Phil Clauss at one of his Hobby House restaurants in Fort Wayne, IN, but Dave's father decided to move the family again. Dave refused to leave his job and stayed at a YMCA, without the comforts of home or his loved ones. Soon after, Thomas served in the Korean war as a cook. When he came back, Phil Clauss promoted him to be an assistant manager of his newest Hobby House restaurant. It was then that Dave met COL Harland Sanders, who had stopped by the restaurant one day to promote his Kentucky Fried Chicken franchise.

Clauss acquired four in Columbus, but they didn't fare well, so he recruited Thomas to turn them around in exchange for 45 percent ownership. Not surprisingly, Dave succeeded. By 1968, Dave sold his interest back to KFC for $1 million. The capital that Dave collected from the Kentucky Fried Chicken restaurants allowed him to open up his own hamburger restaurant in Columbus—and the rest is history.

Dave Thomas built his successful restaurant dynasty upon his sound and strong moral beliefs. However, his corporate achievements take a distant second place to his philanthropic contributions—especially to the cause of adopted children. He was given up for adoption as an infant, and his adoptive mother died when he was only 5 years old. But it was a sense of family—of belonging to a group of people who cared for him—that got Dave through his early life adversity. Dave Thomas never forgot the benefits his adopted life gave him. And so later, he committed his life to provide the same opportunities for others.

Dave contributed millions of dollars to hospitals and charitable organizations. He founded the Dave Thomas Foundation for Adoption in 1992 and the profits from his books go directly to the Foundation. Dave also established the Dave and Lorraine Thomas Clinical Laboratories at Columbus' Children's Hospital.

He believed in philanthropy with a personal touch, whether it be his own letter-writing campaign to CEOs of the Fortune 1000 companies to ask them to make adoption benefits available to employees, or meeting with lawmakers to push for important adoption legislation. Dave truly believed that giving back to his community was of paramount importance, and I commend him for that.

We shared our interest in finding safe, loving, and permanent homes for thousands of at-risk children in this country. I remember Dave to be a kind and genuine person who remarked that his greatest heroes were the children and parents who had come together as families. I had the opportunity to work with Dave Thomas in the development of the Adoption and Safe Families Act. As a national advocate for adoption rights, he played a key role in helping us get the bill passed and signed into law. At the bill's signing ceremony in 1997, then-President and First Lady Clinton praised Dave's work and his tireless commitment to children.

In January 2002, President Bush praised Dave's adoption work at the signing ceremony of the Promoting Safe and Stable Families law, which Senator ROCKEFELLER and I introduced in the fall of 2001. President Bush was quite right when he said: ''Dave's vision of America was one in which all children would be a part of a loving family, so they could grow into healthy and happy and successful adults. The bill I'm [signing] will bring us closer to his vision.'' I couldn't agree more.

Indeed, Dave Thomas was a successful businessman who used his good fortune to help those in need. By helping so many children at risk, he testified to his true compassion and dedication to humanity. As Chesterton once said: ''Great men take up great space even when they are gone.'' Dave Thomas will continue to take up great space on this Earth—not just in buildings or foundations but in lives touched and lives changed. He will continue to live on through his great work and his deep compassion and commitment to bringing families together. We will remember Dave Thomas always.●

COMMENDING MAYOR JAMES DOYLE AND THE CITY OF PAWTUCKET

● Mr. REED. Mr. President, I commend Mayor James Doyle and the city of Pawtucket, RI for being recognized by the United States Conference of Mayors Best Small Business Practices 2003. This public-private partnership between the Conference of Mayors and American Management Services identifies outstanding programs and initiatives that successfully promote business development.

Over the past few years, as Rhode Island has witnessed a decline in manufacturing, cities throughout the State have increasingly been left with unused plants and mills. This trend has been especially apparent in Pawtucket, a city that had been a symbol of manufacturing and industrial innovation ever since Samuel Slater successfully built cotton spinning machines at Slater Mill in 1793. For the next 200 years, Pawtucket was home to a thriving textile industry and machines and

ironworking shops, but from 1991 to 2001, over 3,000 manufacturing jobs were lost.

Drawing on Pawtucket's rich history as a home to artists, Mayor Doyle reached out to the artist community and embraced an innovative solution to these emptied mills that once were the engines of growth for Pawtucket. City leaders and Mayor Doyle worked to create the largest arts and entertainment district in Rhode Island, and, although it typically takes a decade or more for cities to see tangible results from these districts, Pawtucket is already enjoying its benefits. Five mill properties have been sold to artists for commercial and live-work lofts, and 122 artists rent eight mill properties, filling 117,000 square feet of previously empty space.

The burgeoning arts district is also expected to improve quality of life and raise property values. Indeed, according to Department of Commerce models of economic multipliers, the city of Pawtucket has estimated that two new jobs will be generated for every three new artists who move into the district.

The United States Conference of Mayors' recognition of this initiative establishes in name what was already becoming known about Pawtucket. Through visionary leadership, the city is a leader in changing with the times and setting itself up for future success.

Mayor Doyle has always been a strong advocate for the arts, and his determination and belief in this initiative is perhaps best encapsulated when he stated: ''Some say a picture is worth a thousand words. But here in our city we know that it's worth a lot more. Combine this picture with pieces of one-of-a-kind artwork sold citywide from local studios and galleries—small businesses—and you create a powerful economic engine that can totally transform a City.'' I agree wholeheartedly with Mayor Doyle, and commend him and the people of Pawtucket for their forward thinking and commitment to innovation and the arts.●

HONORING TOYOTA MOTOR CORPORATION

● Mr. BUNNING. Mr. President, I am proud to recognize the Toyota Motor Manufacturing Company in Georgetown, KY on being recognized as a producer of quality automobiles by J.D. Power & Associates.

According to a major quality survey by J.D. Power & Associates, Toyota cars received the highest rankings in over nine vehicle categories measured this year, significantly higher than other leading manufacturers. Reliability weighs heavily on a customer's purchase decision, as does initial quality and technological innovativeness. It is clear that Toyota makes every effort to ensure customer satisfaction and dependability with every vehicle they send down the line.

More importantly, I would like to recognize the people who make these exceptional reviews possible: the employees. Toyota's accomplishments are largely attributed to its dedicated workforce. The Georgetown plant employs over 7,000 workers to produce 500,000 vehicles annually. On a larger scale, the company has generated 34,544 jobs in the Commonwealth of Kentucky and 99,610 jobs across the United States.

Based on overall results and customer satisfaction, it is evident that Toyota employees work as a team. I applaud those workers at the Georgetown, Kentucky Toyota plant that helped make this accomplishment possible. I thank the Senate in allowing me to congratulate them on this special recognition.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act 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''.

H.R. 74. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

H.R. 1577. An act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the ''Kris Eggle Visitor Center'', and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 23, 2003, she had presented to the President of the United States the following enrolled bills:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act 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''.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3371. A communication from the Federal Register, Certifying Officer, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510-AA89) received on July 17, 2003; to the Committee on Finance.

EC–3372. A communication from the Commissioner, Social Security Administration, transmitting, the Administration's draft bill to make amendments to the Old-Age, Survivors, and Disability Insurance and Supplemental Security Income programs; to the Committee on Finance.

EC–3373. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Finance.

EC–3374. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''Civil Fines for Importation of Merchandise Bearing a Counterfeit Mark'' (RIN1515-AC98) received on July 22, 2003; to the Committee on Finance.

EC–3375. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''User Fees'' (RIN1515-AC81) received on July 22, 2003; to the Committee on Finance.

EC–3376. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''Refund of Duties on Imports of Certain Wool Products'' (RIN1515-AD27) received on July 22, 2003; to the Committee on Finance.

EC–3377. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections: Rules of Origin of Imported Goods (Other than Textile and Apparel Products) for the Purposes of the NAFTA'' (CBP Dec. 03-11) received on July 22, 2003; to the Committee on Finance.

EC–3378. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 6039D Reporting Requirements'' (Notice 2002-24) received on July 17, 2003; to the Committee on Finance.

EC–3379. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Application of Partial Payments to Assessed Tax, Penalty, and Interest'' (Rev. Proc. 2002-26) received on July 17, 2003; to the Committee on Finance.

EC–3380. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2002-27; Depreciation of Tires'' (RP-105904-00) received on July 17, 2003; to the Committee on Finance.

EC–3381. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2002-19—Medical Expense Deduction for Weight-loss Expenses'' (Rev. Rul. 2002-19) received on July 17, 2003; to the Committee on Finance.

EC–3382. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Petroleum-Capitalization of Delay Rentals'' (UIL0263A.01-05) received on July 17, 2003; to the Committee on Finance.

EC–3383. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Debt Instruments with Original Issue Discount; Annuity Contracts'' (RIN1545-AY60) received on July 17, 2003; to the Committee on Finance.

EC–3384. A communication from the Chief, Regulations Unit, Internal Revenue Service,

transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2002-9—Automatic Consent to Change a Method of Accounting'' (Rev. Proc. 2002-9) received on July 17, 2003; to the Committee on Finance.

EC–3385. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Ten or More Employee Plans'' (TD9079) received on July 17, 2003; to the Committee on Finance.

EC–3386. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Depreciation of Cable Television Systems'' (Rev. Proc. 2003-63) received on July 17, 2003; to the Committee on Finance.

EC–3387. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Tertiary Injectants & Enhanced Oil Recovery Credit'' (Rev. Rul. 2003-82) received on July 17, 2003; to the Committee on Finance.

EC–3388. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Special Rules under Section 417(a)(7) for Written Explanation Provided by Qualified Retirement Plans After Annuity Starting Dates'' (TD9076) received on July 17, 2003; to the Committee on Finance.

EC–3389. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''REIT Loans Secured by Certain Partnership Interests in Disregarded Entities'' (Rev. Proc. 2003-65) received on July 17, 2003; to the Committee on Finance.

EC–3390. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2002-28) received on July 17, 2003; to the Committee on Finance.

EC–3391. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 1.856-4; Rents from Real Property'' (Rev. Proc. 2003-66) received on July 17, 2003; to the Committee on Finance.

EC–3392. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Accrual of California Franchise'' (Rev. Rule 2003-90) received on July 17, 2003; to the Committee on Finance.

EC–3393. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Qualified Subchapter S Trust Election for Testamentary Trusts'' (RIN1545-AY76) received on July 17, 2003; to the Committee on Finance.

EC–3394. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Reduction of Tax Attributes Due to Discharge of Indebtedness'' (RIN1545-BC47) received on July 17, 2003; to the Committee on Finance.

EC–3395. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Net Gift Treatment under Section 2519'' (TD9077) received on July 17, 2003; to the Committee on Finance.

EC–3396. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiophanate Methy: Pesticide Tolerance for Emergency Exemptions'' (FRL7317-5) received on July 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3397. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Special Food Program for Women, Infants, and Children Overseas'' (RIN0720-AA75) received on July 17, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3398. A communication from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense (Public Affairs) received on July 22, 2003; to the Committee on Armed Services.

EC–3399. A communication from the Under Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3400. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 97-11; to the Committee on Armed Services.

EC–3401. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02-16; to the Committee on Armed Services.

EC–3402. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99-09D; to the Committee on Armed Services.

EC–3403. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report relative to sales of high performance computers capable of operating at a speed in excess of a specified number of millions of theoretical operations per second; to the Committee on Armed Services.

EC–3404. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Deregulation for Small Public Housing Agencies'' (RIN2577-AC34) received on July 17, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3405. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Minimum Funding Under the Indian Housing Block Grant Program'' (RIN2577-AC43) received on July 17, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–3406. A communication from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for the calendar year 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–3407. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of regulatory action entitled ''Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3408. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Halibut Fisheries; Washington Sport Fisheries; Inseason Action'' (061903C) received on July 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3409. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species (HMS) Fishing Vessel Permits; Charter Boat Operations'' (RIN0648-AM91) received on July 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3410. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish'' (RIN0648-AN06) received on July 17, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3411. A communication from the Secretary of Commerce, transmitting, a draft bill entitled ''Department of Commerce 21st Century Innovation Act of 2003''; to the Committee on Commerce, Science, and Transportation.

EC–3412. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Selfridge ANGB Air Show, Harrison Twp, MI'' (RIN1625-AA00) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3413. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Chesapeake Bay, Maryland and Tributaries'' (RIN1625-AA00) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3414. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Including 2 Regulations [CGD08-03-007],[CGD01-03-002]'' (RIN1625-AA09) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3415. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY'' (RIN1625-AA09) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3416. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Territorial Seas, Navigable Waters, and Jurisdiction'' (RIN1625-AA30) received on July 22, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3417. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, copies of the Agency's ''Natural Resource Year in Review-2002'' and the Arsenic Treatment Technology Evaluation Handbook for Small Systems; to the Committee on Energy and Natural Resources.

EC–3418. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Florida: Jacksonville Area Maintenance Plan Update'' (FRL#7534–2) received on July 22, 2003; to the Committee on Environment and Public Works.

EC–3419. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3420. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3421. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3422. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles in the amount of $25,000,000 or more to Kourou, French Guiana and Pacific Ocean/International Waters; to the Committee on Foreign Relations.

EC–3423. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Egypt; to the Committee on Foreign Relations.

EC–3424. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Jordan; to the Committee on Foreign Relations.

EC–3425. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially in the amount of $50,000,000 or more to Malaysia; to the Committee on Foreign Relations.

EC–3426. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates'' (22 CFR Part 22) received on July 17, 2003; to the Committee on Foreign Relations.

EC–3427. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's Annual Report for Calendar Year 2002; to the Committee on Governmental Affairs.

EC–3428. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3429. A communication from the Director, Office of Government Ethics, transmitting, a proposal relative to amending the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes; to the Committee on Governmental Affairs.

EC–3430. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the Office's Annual Report for the fiscal year 2002; to the Committee on Governmental Affairs.

EC–3431. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's report entitled ''Assessing Federal Job-Seekers in a Delegated Examining Environment''; to the Committee on Governmental Affairs.

EC–3432. A communication from the Director, Corporate Policy Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on July 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3433. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Prescription Drug User Fee Act Financial Report for the fiscal year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–3434. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Antidiarrheal Drug Products for Over-the-Counter Human Use'' (RIN0910-AA01) received on July 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3435. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Red Phosphorous, White Phosphorous, and Hypophosphorous Acid (and its salts) as List I Chemicals; Exclusions and Waivers'' (RIN1177-AA57) received on July 17, 2003; to the Committee on the Judiciary.

EC–3436. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled ''Allowing Central Fill Pharmacies and Retail Pharmacies to Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies'' (RIN1117-AA58) received on July 17, 2003; to the Committee on the Judiciary.

EC–3437. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2002; to the Committee on Rules and Administration.

EC–3438. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to simplifying and improving pay provisions for physicians and to authorize alternate work schedules and executive pay for nurses; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Charles Edward Horner, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

By Mr. HATCH for the Committee on the Judiciary.

William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. CORNYN, and Mr. HATCH):

S. 1445. A bill to provide criminal penalties for false personation of a military officer for purposes of harassing military families and to clarify the false personation statute with respect to officers and employees of the United States; to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1446. A bill to designate the United States Courthouse located at 125 Bull Street, Savannah, Georgia, and associated structures, as the Tomochichi Federal Judicial Center; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 1447. 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 Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 1448. A bill to provide for the constrution of the Yupik Alaskan/Central Kuskokwim Energy Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1449. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to prepare and conduct hazardous fuels reduction projects on National Forest System land and Bureau of Land Management land that are aimed at protecting communities, watersheds, and certain other at-risk land from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health on public and private land, including catastrophic wildfire, to increase research on forest health and forest-damaging agents, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE:

S. Res. 199. A resolution commending John E. Dolibois for dedication to his country,

contributions to global education, and more than a half century of service to humanity; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners by ending the unfair practice of taxing someone at death.

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Indiana (Mr. LUGAR) 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. 333

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 442

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 442, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 478

At the request of Mr. SARBANES, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 609

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 609, a bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide for the protection of voluntarily furnished confidential information, and for other purposes.

S. 640

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 835

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 835, a bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation, to provide notice regarding loan consolidation, and for other purposes.

S. 894

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 902

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 902, a bill to declare, under the authority of Congress under Article I, section 8, of the Constitution to ''provide and maintain a Navy'', a national policy for the naval force structure required in order to ''provide for the common defense'' of the United States throughout the 21st century.

S. 950

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 1037

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1142

At the request of Mr. BINGAMAN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1142, a bill to provide disadvantaged children with access to dental services.

S. 1289

At the request of Mr. GRAHAM of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1289, a bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1314

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1314, a bill 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 for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON) 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. 1414

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) 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 name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor 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. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Virginia (Mr. WARNER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Illinois (Mr.

DURBIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

AMENDMENT NO. 1318

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1318 proposed to H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. CORNYN, and Mr. HATCH):

S. 1445. A bill to provide criminal penalties for false personation of a military officer for purposes of harassing military families and to clarify the false personation statute with respect to officers and employees of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to speak to an important measure that Senators GRAHAM, SCHUMER, CORNYN, and I have introduced entitled The Military Family Hoax Prevention Act. As our country concludes major combat activities in Operation Iraqi Freedom, we all stand tall with pride over the dedication, courage, and valor displayed by the men and women of our Armed Forces.

We all are grateful to the men and women of the U.S. military who selflessly serve our country. They have answered the call of our Commander in Chief to go abroad and defend the freedoms and values we cherish here at home. While carrying out their mission, they have acted admirably during the liberation of an enslaved nation, and continue to serve our country honorably. These men and women deserve our profound gratitude.

As we watch the soldiers returning home from deployment, some from extended tours of duty, I am reminded of the personal sacrifice these men and women make while they are gone. These men and women leave behind family and friends who undoubtedly worry constantly about their loved ones on deployment. In many instances, family members are not able to know of the day-to-day safety of their loved ones during deployment. This feeling of helplessness was aptly described by the brother of Jessica Lynch upon her return to West Virginia when he discussed her family's desire to learn any bit of information following her capture.

It has come to my attention that during Operation Iraqi Freedom some military families received cruel hoaxes concerning their deployed family members in Iraq. On three separate occasions that I am aware of, families of service men and women here in the United States received telephone calls from sick pranksters telling them that their family members serving in Iraq had either been killed in battle or taken prisoner of war.

You can imagine the devastation and agony of the families who received these malicious telephone calls. These families were forced into a desperate scramble to learn information about the fate of their loved ones. These hoaxes require the military to dedicate resources to provide information to military family members.

Let me talk briefly about one specific hoax and the potentially devastating consequences that can flow from it. A family in Arizona received a telephone call that a family member had been killed in Iraq. After contacting the military, the family was told that only the military notifies families in these instances, and that they do so in person, not over the telephone. The military told the family that they had no information that their family member, the soldier, was killed and that they would try to learn more.

The military discovered that this telephone call was a cruel hoax and arranged for the soldier to call home from a satellite telephone to reassure his family. Unfortunately, the soldier later wrote to his family and told them that another soldier who was transporting a satellite telephone to him so that he could call home had been killed while trying to deliver the telephone.

This type of action cannot go unpunished. The current false impersonation statute does not punish someone who falsely impersonates a military employee engaging in this type of conduct. This legislation the Military Family Hoax Prevention Act, would remedy this loophole in the current law. It would prohibit those who derive some perverted pleasure terrorizing family members who intensely wait for word from abroad from their military family members.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. CORNYN):

S. 1447. 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 Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, today I am introducing a bill with Senators MCCAIN, FEINSTEIN, and CORNYN entitled the Border Health Security Act of 2003. This bill addresses the tremendous health problems confronting our Nation's southwestern border.

The United States-Mexico border region is defined in the U.S.-Mexico Border Health Commission authorizing legislation as the area of land 100 kilometers, or 62.5 miles, north and south of the international boundary. It stretches 2,000 miles from California, through Arizona and New Mexico to the southern tip of Texas and is estimated to have a population of 12 million residents.

The border region comprises two sovereign nations, 25 Native American tribes, and four States in the United States and six States in Mexico.

Why should we provide some focus to this geographic region? The situation along the border is among the most dire in the country. In the past, we have recognized problems with other regions, through the Denali, Delta, and Appalachian commissions, and have provided targeted funding to those areas. The U.S.-Mexico Border Health Commission, legislation I sponsored with Senators MCCAIN, SIMON and HUTCHISON, was created for the same reasons and annually receives about $4 million in funding that is matched by $1 million from the Mexican government for administrative purposes to improve international cooperation and agreements to tackle health problems in the region. However, we need to take the next step and provide resources to address the problems.

In the border region, three of the ten poorest counties in the United States are located in the border area, 21 of the counties have been designated as economically distressed, approximately 430,000 people live in 1,200 colonias in Texas and New Mexico, which are unincorporated communities that are characterized by substandard housing, unsafe public drinking water, and wastewater systems, very high unemployment, and the lower per capita income as a region in the Nation.

The result is a health system that confronts tremendous health problems with little or no resources. Although it is difficult to access the health needs along the border since data is more often collected on a statewide basis, we do know that diabetes, cancer, infectious disease such as tuberculosis, and health disease rates are far greater than the national average but the residents in the area have the highest uninsured rates in the country.

In fact, the States of Texas, New Mexico, and California rank as the States with the three worst uninsured rates in the country to begin with. Arizona is not much better and ranks 46th in the Nation, just ahead of Louisiana and Oklahoma. The uninsured rates of these States are: 23.5 percent in Texas, 20.7 percent in New Mexico, 19.5 percent in California, and 18.3 percent in Arizona.

However, the figures along the border are even worse, as the rates of uninsured are higher still than that in the four States overall. Uninsured rates in many border counties are estimated to be above 30 percent and as high as 50 percent in certain communities.

As the U.S.-Mexico Border Commission notes, ''The border is characterized by weaknesses in the border health

systems and infrastructure, lack of public financial resources, poor distribution of physicians and other health professionals and hospitals. Moreover, the low rates of health insurance coverage and low incomes puts access to health services out of reach for many border residents and thus keeps the border communities at risk.''

The U.S.-Mexico Border Commission has identified and approved of an agenda through its ''Health Border 2010'' initiative, which seeks to, among other things: reduce by 25 percent the population lacking access to a primary provider; reduce the female breast cancer death rate by 20 percent; reduce the cervical cancer death rate by 30 percent; reduce deaths due to diabetes by 10 percent; reduce hospitalizations due to diabetes by 25 percent; reduce the incidence of HIV cases by 50 percent; reduce the incidence of tuberculosis cases by 50 percent; reduce the incidence of hepatitis A and B cases by 50 percent; reduce the infant mortality rate by 15 percent; and increase initiation of prenatal care in the first trimester by 85 percent.

However, the U.S.-Mexico Border Commission lacks the resources that are needed to address those important goals. The bipartisan legislation I am introducing today with Senators MCCAIN, FEINSTEIN, and CORNYN would address that problem by reauthorizing the U.S.-Mexico Border Health Commission at $10 million and authorizing another $200 million in funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health worker or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, CHIP.

We would certainly expect those grants would be used for the purpose of striving to achieve the measurable goals established by the ''Health Border 2010'' initiative.

In addition, the bill contains authorization for $25 million for funding to border communities to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

On October 15, 2001, just one month after the September 11, 2001, attack on our Nation, Secretary Thompson spoke to the U.S.-Mexico Border Health Commission and urged them to put together an application for $25 million for bioterrorism and preparedness. The Commission has done so but has not seen targeted funding despite the vulnerability that border communities have with respect to a bioterrorism attack. Our legislation addresses the vulnerability of communities along the border and targets funding to those communities specifically to improve infrastructure, training, and preparedness.

I ask unanimous consent to include articles from the El Paso Times and the Los Angeles Times from October 2001 with respect to those meetings and hope the Secretary will be an advocate with us in the passage of this legislation.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the El Paso Times, Oct. 16, 2001]

HEALTH SECRETARY TO FIGHT FOR BORDER FUNDS

(By Tammy Fonce-Olivas)

U.S. Health and Human Services Secretary Tommy Thompson wants to arm the border with $25 million to combat illnesses.

''Diseases don't stop at the border,'' said Thompson, who was in El Paso on Monday. ''We need to work in a collaborative fashion to improve the health of the border neighborhood. It's our neighborhood.''

He talked about the additional funds he is seeking for border health initiatives while chairing the fourth binational meeting of the U.S.-Mexico Border Health Commission.

Thompson was joined by Julio Frenk Mora, Mexico's Secretary of Health.

Thompson said he didn't know if he would get the $25 million from Congress but vowed to make a strong effort to get more funding for programs to improve access to public health for those living along the border and bolstering border health research.

Frenk Mora also said he will be fighting for more money to support border health programs. Frenk is a co-chairman of the commission.

The group is composed of 26 public-health leaders from both sides of the U.S.-Mexico border, who are devoted to fighting health problems, such as tuberculosis, AIDS and diabetes.

Dr. Laurence Nickey, El Paso's former city-county health director and member of the commission, said he wants to see more funding concentrated on diabetes.

He said diabetes is diagnosed in one of five Hispanics on the border by the age of 45. He expects this statistic to become worse unless more work is done in this area.

Frenk Mora said Mexico understands the importance of public health and will do its share to improve the health and wellness of people residing along the border.

Mayor Ray Caballero, who attended the meeting, said one of El Paso's biggest problem is a lack of health-care providers.

''We are not able to attract or retain enough physicians,'' he said.

Thompson announced after the meeting that the University of Texas Health Sciences Center in San Antonio has been awarded a $250,000 grant to establish a Regional Center for Health Workforce Studies.

WORKSHOP

Today will be the final session of the U.S.-Mexico Binational Tuberculosis Workshop at the Hilton Camino Real.

Among today's discussions will be a binational information system, as well as talks on consensus building.

[From the Los Angeles Times, Oct. 17, 2001]

U.S., MEXICO TEAM UP ON HEALTH CARE

(By James F. Smith)

The United States and Mexico took some imaginative steps this week to combat health problems that plague border communities and migrant workers, including tuberculosis, diabetes and AIDS.

Meeting in El Paso and neighboring Ciudad Juarez, Mexico, health experts from the two nations agreed on a 10-year agenda for improving care for the 11.5 million people living along the nearly 2,000-mile border.

Mexico also launched a program that promises a new approach to treating migrants' health problems. Formally unveiled in Ciudad Juarez on Sunday, the ''Go Healthy, Return Healthy'' initiative seeks to help Mexico migrants in their hometowns, along the routes they travel and during their stays in the United States.

Elsewhere, California and Mexico kicked off the program by staging their first joint ''health week.'' California is conducting a flurry of activities through Friday for migrants in the state, including vaccinations, checkups and information campaigns. The California Endowment is devoting part of a $50-million agricultural health grant to the initiative.

The mere fact that U.S. Health and Human Services Secretary Tommy G. Thompson showed up for the U.S.-Mexico Border health Commission meeting here Monday—despite an international anthrax scare—delighted the Mexicans, who have worried that U.S. relations with their nation would become a low priority for the Bush administration following the Sept. 11 terrorist attacks.

Officials from both nations emphasized that the border health problems are real and immediate threats, killing many thousands of people each year.

''We should not let the anthrax scare kidnap our entire health agenda,'' said Mexican Health Secretary Julio Frenk. ''There are a lot of other very important issues of much higher risk to our populations.''

Thompson, meanwhile, offered a challenge to the U.S. delegation to the year-old Border Health Commission: He'll try to come up with an additional $25 million for health projects along the frontier if they can come up with specific, effective ways to spend the money.

A commission study issued Monday detailed the serious health challenges on the border, compounded by population growth of 28% on the U.S. side and 39% on the Mexican side during the 1990s, about twice the national growth rate in each country.

The study found that rates of communicable diseases such as tuberculosis, HIV/AIDS and hepatitis A are higher in the border region than nationally for both countries. Cancer, asthma and diabetes rates also are higher along the border.

''The high level of border crossings between the U.S. and Mexico complicates the development of strategies to address the spread of infectious diseases,'' the report says, heightening the need for coordinated policies.

While the commission debated overall strategies, a workshop of about 100 experts on tuberculosis met to map out innovative cross-border approaches to tracking and caring for patients. The interruption of tuberculosis treatment is highly dangerous for patients because it can lead to resistance to

medication. Yet such breaks in treatment occur frequently when ailing migrants cross illegally into the United States.

The workshop focused on development of a binational tuberculosis card that would allow patients to continue treatment on either side of the border with confidentiality. The cared would not only ensure continuity in treatment but allow both countries to improve their database of tuberculosis cases.

Dr. Lincoln Chen, a public health expert from the Rockefeller Foundation, said such initiatives make the border region ''the cutting edge of health in the 21st century . . . This is the front line of global health.''

Thompson and Frenk visited sites that symbolize the emerging cooperation, from the La Fe health clinic in south El Paso, which treats many Latino AIDS patients, to a U.S. Food and Drug Administration inspection operation. In September, the two governments agreed to expand efforts to ensure the safety of meat, poultry and egg products that are shipped across the border in immense volumes.

In California, meanwhile, seven counties that are home to large numbers of migrant workers took part in the health week with Mexico. Jose Ignacio Santos, head of child health in Mexico and director of the ''Go Health, Return Healthy'' program, said the initiative brings to the U.S. some of the techniques that have made Mexico's public health system highly regarded. Those included very public community outreach activities, which have helped achieve a 98% immunization rate.

In Mexico, the thrice-yearly National Public Health Weeks—such as one that began Sunday—bring vaccinations to the homes of millions of people. More than 11 million injections will be given in Mexico this week for childhood diseases, in programs supported by nearly 180,000 volunteers.

Similar efforts are being carried out this week in the seven California counties, with a focus on messages about cervical and breast cancer, immunizations and diabetes. The goal is to reach some of the more than 3 million Mexicans living and working in the state, especially the 1 million agricultural laborers.

Frenk, the health secretary, said that in the past, Mexico did not clearly understand the differences between treating stable and migrant populations. The new program acknowledges that migrants carry health problems with them as they leave home—and bring back ailments such as AIDS when they return from the United States.

Now officials are developing preventive programs in 502 towns in the 10 Mexican states that produce the most migrants, including Jalisco and Guanajuato.

The effort will also respond to the seasonal moves of the workers. For example, it calls for information and immunization campaigns in August and September, when migrants often leave home to work during the harvest season. It prepares for treating the workers when they return home at year's end or Easter.

Frenk said the new model demands a high level of coordination with U.S. authorities. And it will require new levels of trust from illegal migrants that the health information won't be used against them, he said.

''The ideal would be a well-coordinated system in which we could say to the U.S. authorities: 'There goes a migrant who has tuberculosis. Care for him,'" he said. ''Some day not too far in the future, there will be electronic clinical histories on a card with an intelligent chip, and the person will carry it. But this will require much trust on the part of illegal migrants.''

Mr. BINGAMAN. Mr. President, our relationship with Mexico, like that with Canada, is a special one. Those countries are our closest neighbors, and yet, we often and wrongly neglect our neighbor to the South and the much needed economic development needed in the region. Mexico is the United States' second largest trading partner and the border is recognized as one of the busiest ports of entry in the world. And yet, the region is often neglected.

As the U.S.-Mexico Border Health Commission points out, ''Without increases and sustained federal, state and local governmental and private funding for health programs, infrastructure and education, the border populations will continue to lag behind the United States in these areas.'' If the border were its own state, according to data from the Heath Resources and Services Administration, it would: rank last in access to health care; second in death rates due to hepatitis; third in deaths related to diabetes; last in per capita income; first in the number of school children living in poverty; and, first in the numbers of the uninsured.

I would like to thank Senator MCCAIN, who was the original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation as well, for his outstanding leadership on border issues throughout his career. I would also thank Senators FEINSTEIN and CORNYN for working with us on this important legislation and Senator HUTCHISON for her constant support for the appropriations of the U.S.-Mexico Border Commission upon the signed agreement between the United States and Mexico, which was signed by President Clinton on July 14, 2000.

I urge the adoption of this bipartisan legislation by this Congress.

I ask unanimous consent that a fact sheet and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET—BORDER HEALTH SECURITY ACT OF 2003

Senators Jeff Bingaman, D–NM, John McCain, R–AZ, Dianne Feinstein, D–CA, and John Cornyn, R–TX, are preparing to introduce the ''Border Health Security Act of 2003.'' The legislation seeks to improve the infrastructure, access, and delivery of health care services to residents along the U.S.-Mexico border.

The legislation would achieve these goals by:

Improving Border Health Services: Provides for $200 million in funding to States, local governments, tribal governments, institutions of higher education, nonprofit health organizations, or community health centers along the U.S.-Mexico border to improve infrastructure, access, and the delivery of health care services.

These grants are flexible and would allow the community to establish its own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, CHIP.

Providing Border Bioterrorism Preparedness Grants: Provides for $25 million in funding to States and local governments or public health departments to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

Reauthorizing the U.S.-Mexico Border Health Commission: Provides for the reauthorization of the U.S.-Mexico Border Health Commission at $10 million annually.

S. 1447

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 ''Border Health Security Act of 2003''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 3. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2004, and such sums as may be necessary for each succeeding fiscal year.

SEC. 4. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2004 and such sums as may be necessary for each succeeding fiscal year.

SEC. 5. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2004 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 6. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats or bioterrorism along the border area.

Mr. MCCAIN. Mr. President, recognizing that the communities along our Nation's border are literally our front line of defense, it is in the interest of our national security to ensure that these areas are well equipped to respond to health emergencies and potential bioterror attacks. To address the critical needs of this vulnerable region, I am pleased to once again join my good friends from New Mexico, Senator BINGAMAN, along with Senator FEINSTEIN and Senator CORNYN, in introducing the Border Health Security Act of 2003.

Ten years ago, Senator BINGAMAN and I introduced a bill which we believed represented a first step toward addressing the many health challenges confronting the U.S.-Mexico border region as it faced growing population and an expanding industrial base. The United States-Mexico Border Health Commission Act authorized the President to enter into a bilateral agreement with Mexico and establish a binational commission on border health, and was signed into law in the fall of 1994.

Six years later the U.S. Secretary of Health and Human Services and the Secretary of Health of Mexico signed an agreement creating the United States-Mexico Border Health Commission. Although still in its infancy, the Commission serves to draw attention to the unique needs of the border region, while improving and protecting the health and well-being of the residents on both sides of the border.

The bill we are introducing today builds upon the effort we began 10 years ago. This legislation authorizes two new grant programs targeting health care and bioterror preparedness in the border area in addition to funding for the Commission.

The first grant program we establish, the Border Health Grants, will be competitively awarded to programs that improve health care infrastructure or address the unique health care needs of the border region. Eligible programs could address health disparities, public health, maternal and child health, and conditions with a high prevalence in the border area. Acknowledging our national vulnerability in the wake of September 11 attacks and the need to ensure that bioterror efforts are specifically focused on the border region, our bill establishes bioterror preparedness grants for activities including coordination of bioterror and emergency preparedness, improvements in infrastructure, and education and training.

The communities along our Nation's southern border typically have high rates of uninsured and underinsured individuals, unemployment, and poverty. This region also has higher rates of infections and chronic diseases, often exacerbated by migrant populations. Compounding these problems is the lack of health care facilities and qualified health care professionals. According to the U.S.-Mexico Border Health Commission, if the border area were a state, it would rank last in access in health care, second in death rates due to hepatitis, third in deaths related to diabetes, first in number of TB cases and last in per capita income.

I have long supported legislative initiatives aimed at improving the security and quality of life in our border area. This bill is a part of that ongoing effort. As our Nation enters a new era of heightened national alert, it is incumbent upon us to ensure our border area—our front line of defense—is strenghtened and protected.

By Ms. MURKOWSKI:

S. 1448. A bill to provide for the construction of the Yupik Alaskan/Central Kuskokwim Energy Project, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President today I introduce a very important piece of legislation, the Calista Energy and Economic Revitalization Act. This legislation will create a profound and positive effect on one of the most impoverished parts of my State, the Upper Kuskokwim region by providing major boost to the economy of this area. It will also provide affordable energy to this region, which pays some of the highest energy costs in the country.

My legislation will authorize a grant and loan guarantee program to permit the construction of a vitally important intertie from the Upper Kuskokwim region to Bethel, Alaska. This project will provide low cost energy to revitalize this region much as the Tennessee Valley and Bonneville Power projects revitalized the South and Northwest, respectively.

Alaska was just a territory when these visionary projects were conceived and constructed. It is now time for the State of Alaska to join in the national commitment and partnership for economic vitality.

The Upper Kuskokwim region has been inhabited by the Yupik Eskimo for thousands of years and they have developed a unique lifestyle which allows them to thrive in a harsh and formidable climate.

On December 18, 1971, Congress enacted the Alaska Native Claims Settlement Act, ANCSA, in recognition and settlement of the aboriginal claims of the Yupik Eskimo people in the Upper Kuskokwim regions. Pursuant to ANCSA the Calista Corporation was formed by the Yupik Eskimo people to represent their needs and interests in implementation of ANCSA.

The Calista Corporation has selected as port of its land entitlement under ANCSA the Donlin Creek area of the Upper Kuskokwim region. As owner of the Donlin Creek area, Calista has made a discovery of international significance of gold and other minerals which will aid the country and the Yupik Eskimo people if that area is developed. I can assure you, that there is

wide spread support among the local Yupik population that their lands be developed.

The Donlin Creek area is currently isolated and unconnected by road or utility services to the rest of the State of Alaska and the Nation. It is fair and equitable that the Congress enacts legislation to aid and assist the Yupik Eskimo people, through the Calista Corporation, in developing this energy project referenced in my bill. The goal of this project is to provide reasonable and adequate utility service to the local people and to serve to the development of the minerals in the Donlin Creek area.

The Upper Kuskokwim region contains numerous Yupik Eskimo villages which are also isolated from the rest of the State and the Nation. According to government reports, the unemployment rate in the region is about 25 percent but the actual joblessness rate is much higher. The government reports stop counting people as unemployed after that have not had a job after several years. There is currently little or no opportunity for year round nongovernmental employment in this region.

For example, one of the few opportunities to participate in the cash economy available in the region comes from fishing, but fishing income has plunged by about 50 percent from nearly $12,000 to about $5,000 annually. Because of this drastic decline in fishing income and a general lack of available private sector jobs, Federal and State transfer payments make up 33 percent of income in the Bethel U.S. Census District area and nearly 45 percent of the Wade Hampton U.S. Census District in the Upper Kuskokwim region near the Donlin Creek site.

Passage of this legislation will provide a sound economic opportunity for the Yupik Eskimo and other residents of the region and give them an opportunity to enjoy a better quality of life. Calista is committed to turning this project into the private sector engine for this part of Alaska. If successful, Federal transfer payments will be reduced and local residents will have the ability to support themselves and their families with solid, well paying private sector jobs.

Utility costs are now more than 10 times the national average. By providing a year round employment base and more equitable and affordable access to utility services, this project will improve the lives of all residents of the region.

I am excited about this bill and will work hard to achieve its passage. It is my hope to have a hearing on this bill very soon and seek its passage in the Energy and Natural Resources Committee and the full Senate before the end of the year. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1448

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 ''Calista Energy and Economic Revitalization Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Yupik Eskimo people have—

(A) inhabited the Upper Kuskokwim region for thousands of years; and

(B) developed a unique lifestyle that allows the people to thrive in a harsh and formidable climate;

(2) on December 18, 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) in recognition and settlement of the aboriginal claims of the Yupik Eskimo people in the Upper Kuskokwim regions;

(3) under that Act—

(A) the Calista Regional Corporation was formed by the Yupik Eskimo people to represent the needs and interests of the Yupik Eskimo people in implementing the Act; and

(B) the Corporation has selected as part of the land entitlement the Donlin Creek area of the Upper Kuskokwim region;

(4) as owner of the Donlin Creek area, Calista Regional Corporation has made a discovery of international significance of gold and other minerals that would aid the Yupik Eskimo people if developed;

(5) there is widespread support among the local Yupik population for development of the Donlin Creek area;

(6) the Donlin Creek area is currently isolated and unconnected by road or utility services to the rest of the State of Alaska;

(7) the Upper Kuskokwim region contains many Yupik Eskimo villages that are not connected to the rest of the State of Alaska;

(8) the unemployment rate in the region is almost 25 percent, and there is currently little or no opportunity for year-round nongovernmental employment;

(9) it is fair and equitable that Congress enact legislation to aid and assist the Yupik Eskimo people, through the Calista Regional Corporation, in providing reasonable and adequate utility services to the area; and

(10) Congress should act to provide a sound economic opportunity for the Yupik Eskimo and other residents of the region to enjoy an improved quality of life by providing a year round employment base.

SEC. 3. CALISTA ENERGY PROJECT AUTHORIZATION.

(a) FINANCIAL ASSISTANCE.—The Secretary of Energy shall, subject to any terms and conditions that the Secretary determines to be appropriate, provide the Calista Regional Corporation grants and loan guarantees to assist in the construction of the Calista Energy Project as generally identified in the document entitled ''Calista Region Energy Needs Study'' and dated July 1, 2002.

(b) FEDERAL SHARE.—The Federal share of the cost of construction of the Calista Energy Project shall be not more than 80 percent.

(c) LIMITATION.—The total amount of financial assistance that the Secretary may provide under subsection (a) is—

(1) $100,000,000 for grants; and

(2) $50,000,000 for loan guarantees.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1449. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to prepare and conduct hazardous fuels reduction projects on National Forest System land and Bureau of Land Management land that are aimed at protecting communities, watersheds, and certain other at-risk land from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health on public and private land, including catastrophic wildfire, to increase research on forest health and forest-damaging agents, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, Idaho faces grim news this morning as the deaths of two young wildland firefighters are reported. They were killed late Tuesday afternoon while fighting the Cramer fire in the Salmon-Challis National Forest west of the town of Salmon near the confluence of the middle fork of the Salmon River and the main Salmon. These men are heroes of battle, just as the men and women fighting overseas. They fought a faceless, terrifying enemy with bravery, heroism, and selfless dedication to the families and communities of central Idaho. Their sacrifice will be remembered for years to come as their names are added to the list of those fallen in service to their country in the capacity of wildland firefighters. I pray that those who continue to fight fires in Idaho and across the West this summer remain out of harm's way as they perform their valiant and critical work to preserve homes, property, and life.

The tragedy is that two more people have died. We hope it is not followed by more as we enter another fire season. The truth is that our forests are overgrown, dead and dying, and this kind of tragedy was inevitable. Legislation that I supported in the past would have made a difference. Had it been enacted last year or the year before, these senseless deaths could very well have been avoided. Idaho's wildfire season is just getting into its full swing, and we are asking our wildland firefighters in Idaho and throughout the rest of the Nation to do a dangerous job. We in Congress owe it to them and to the family members of those who didn't make it to provide them with the tools necessary to get the job done as safely and quickly as possible. These deaths are a tragic reminder of the sacrifices and risks wildland firefighters make to ensure the safety of our communities. Congress must act to reduce this threat to our communities and improve the safety of our firefighters. Today, Senator LINCOLN and I are introducing bipartisan legislation to address the forest health crisis facing our nation.

As Chairman and Ranking Member of the Senate Agriculture Committee's Subcommittee on Forestry, Conservation, and Rural Revitalization, Senator LINCOLN and I have learned of the similarities between the problems facing

the ecosystems of eastern and western forests. We know that when Congress acts to address the health of forests in the West—forests that have been devastated by fires that garner national attention—we must also reduce the risks to our forests across the country. The threat is not just to our property and lives, but clean air, clean water, and wildlife habitat. We must take a comprehensive approach to protecting our resources, and Senator LINCOLN and I attempt to do that in this bill.

The America's Healthy Forests Restoration and Research Act builds on the bipartisan legislation that passed the House of Representatives and is now under consideration in the Senate.

Like the House proposal, our bill addresses the ''analysis paralysis'' that prevents us from taking actions to protect our lands. For lands that are at risk of catastrophic fire or that have been severely damaged by insect or disease infestations or the aftermath of severe weather events, such as windthrow or ice storms, the bill creates an expedited process to allow for treatment. For these specific projects on Forest Service or Bureau of Land Management lands—with the exception of lands that are wilderness areas or Wilderness Study Areas—the bill provides for time limits on appeals, reforms the appeals process, and provides guidance to the courts.

The per-acre costs of fuel reduction projects is higher and the amount of time to consider a project is longer with each alternative the agencies are required to consider. Each of these alternatives requires a complete and thorough environmental analysis. By selecting projects through the collaborative process and requiring an in-depth analysis of the environmental impacts of the specific project, we can ensure that the impacts of the project are addressed, without the analysis paralysis caused by the examination of additional alternatives—especially when projects are most often appealed based on failure to complete adequate analysis on alternatives rather than the substance of the project.

The time for action is now, we should not let fuels reduction projects be delayed or lose their effectiveness through frivolous appeals. By requiring the Forest Service to develop a new process that allows for public collaboration, by requiring substantive comments to the project, and by requiring participation in the process before allowing litigation, the bill ensures that public comment is meaningful and constructive. No longer will these important projects be stopped simply by 33 cents on a postcard.

Our bill also requires that the courts balance the long term effects with the short term effects of a project. This balance of harm should be common sense, but that has not been the case. The courts are reminded they should balance the impact of inaction in their decision making.

This streamlining of the appeals and judicial review process will counter the growing use of appeals and litigation as delaying and frustrating techniques rather than the constructive recourse they were intended for. Cutting through the bureaucratic red tape and ensuring for robust public participation—as outlined in the widely-supported Western Governors Association's collaborative strategy—is a win-win for our forests and our communities. In addition, by streamlining the process, we get more money on the ground and in action to protect our forests. Appeals, litigation, and extensive analysis of unneeded alternatives mean less money for projects. Some estimate that only sixty percent of funds allocated for fuels reduction actually makes it to the ground. Streamlining the process should result in significantly more resources to address forest health.

I have long been an advocate of better utilization of biomass and small diameter materials. This bill addresses the need for more research and more markets. Our bi-partisan bill provides grants to those who would use biomass for fuel or other beneficial purposes. Instead of leaving fuels in our forests to burn or tossing them in landfills, we can reduce the risks to our environment and create an incentive to use what has traditionally not been cost effective to use. Unlike the house bill, we expand eligible uses beyond just useful fuels. In Idaho, we have companies that can use this material for environmental restoration. We need to do more to create incentives to use this material.

To that end, our bill also includes expanded research into utilization and harvesting of small diameter materials. Light on the land techniques that find more and better uses of biomass and small diameter materials can revitalize our rural communities. Research into the costs and obstacles to using these materials will go a long way toward expanded markets and rural development. The bill also provides direction for technology transfer to get this information from the universities and scientists to the communities and small businesses in rural parts of America.

Our bipartisan bill makes research a central tenet. From research into biomass, forests conditions, upland hardwoods, the measure brings a new focus to forest threats. Our legislation expands the research to allow for landscape level research on forest-damaging agents. Fire, insects and disease, and weather events pose a significant threat to our forest ecosystems. The bill provides for cooperation with colleges and universities in applied research to combat these threats.

The bill also focuses research on preserving upland hardwoods. Not enough is known about preserving and restoring the upland hardwood forests of the South. The creation of an upland hardwood forest research center will go a long way toward finding ways to better protect, rehabilitate, restore, and utilize these important resources.

The proposal includes a watershed program that will help foresters enhance water quality in our forests. As many know, our forests serve as critical watersheds that provide drinking water to our communities. This bill provides for grants to allow for technical assistance, education, and financial assistance to enhance our efforts to ensure clean waters for our communities and wildlife.

A program to maintain forested habitat for threatened and endangered species is also an important part of this legislation. By providing for short and long-term restoration agreements the program offers incentives to maintain and utilize efforts that protect species and prevent others from being listed.

The legislation provides assistance to address the problem of nonnative invasive plants, trees, shrubs, and vines. Across the country, the expansion of nonnative invasive plants has changed ecosystems making them more susceptible to threats that could result in catastrophic fires. Our proposal provides assistance to landowners in addressing these invasives.

Finally, the bill declares that the enhanced community fire protection program is an important program in reducing risks to communities. This program, which we enacted as part of the 2002 Farm Bill, provides assistance to communities in reducing fire threats. Providing funding for this program, coupled with the savings from streamlining the process, will provide for meaningful progress in reducing the wildfire threat.

I agree with Forest Service Chief Dale Bosworth, who says we need to move the focus from what we take to what we leave. As he has identified, too many are looking at this as a zero-sum game. They seek someone to blame for forest health problems or argue that logging is inherently bad. We need to get beyond that fallacious argument and realize that what is important is restoring a healthy ecosystem: an ecosystem that allows for a natural fire regime to exist without threatening our communities and lives.

I hope my colleagues will join me moving beyond the narrow focus that currently passes for forest policy, this zero-sum game, and look at the needs of our forest ecosystems. This bill is a bipartisan effort that enhances the House-passed legislation. It sets a mark that the majority of the Senate can and should support.

The skies over Idaho's capitol city, Boise, are smoke-filled this afternoon, and another tiny town on the edge of Idaho's Frank Church River of No Return Wilderness, Atlanta, is threatened as fire encroaches on the homes there. Firefighting resources are stretched to the limit as wildland fires are burning throughout Idaho and the West. Wildfires this year have charred some 1.46 million acres nationwide. The National Interagency Fire Center said there were 49 large fires burning in the West, with more than 350 thousand

areas of active wildfires. Let us in Congress take a stand now to help protect our forests and keep them from going up in smoke every year.

I look forward to working with my colleagues to garner their support for this much-needed, bipartisan legislation, and know that they join me in sending condolences to the families of the two young men who died fighting a fire that may very well have been preventable.

Mrs. LINCOLN. Mr. President, I rise today to join my good friend Senator CRAPO of Idaho in introducing legislation aimed at rehabilitating this Nation's public and private forestlands. Senator CRAPO and I serve as the Chair and Ranking Member of the Agriculture Subcommittee on Forestry, and we have worked together extensively in watching over our Nation's forestlands.

Our bipartisan legislation builds upon the Healthy Forest Restoration Act, which passed the House of Representatives earlier this year. Our bill will ensure that we can address the many problems affecting all of our Nation's forests—both on public and private forestlands, in southern and western forests, and throughout both hardwood and pine ecosystems. Our legislation is intended to be a marker for the direction we believe forest legislation should move in this country.

Both Senator CRAPO and I have been working closely with the Senate Agriculture Committee to ensure that the goals of our legislation are incorporated into the chairman's mark of the Senate's Healthy Forest legislation.

Our legislation is intended to accomplish a few, very specific goals.

First and foremost, we must provide the Forest Service with the tools necessary to immediately address the epidemic of oak decline and mortality in the Ozark highlands of Arkansas and Missouri.

Oak decline is a natural occurrence in older forests or in areas where trees are stressed by conditions such as old age, over population of the forest, poor soil conditions, and the effects of several years of severe drought. And under normal conditions, oak decline is not necessarily fatal to the tree.

However, these conditions have allowed insects such as the red oak borer to flourish throughout the forest and has led to an epidemic of oak mortality throughout our forests.

In fact, many estimates now suggest that potentially up to one million acres of red oaks have been affected in Ozark highlands. And it is important to note that this epidemic has not been long in coming—it was only first discovered in the late 1990s. I am concerned that this epidemic will lead to a complete loss of red oak from the Ozark highlands and cause long-term changes to the health of the forest ecosystem.

It is also important to remember that the epidemic has not been limited to public lands. Private forest landowners and homeowners throughout the Ozarks face the same problem. The past several years of extremely dry summer conditions have weakened trees throughout the region.

The legislation also contains provisions that are intended to streamline and improve the environmental, administrative, and judicial review process for hazardous fuel reduction projects under this legislation. I join Senator CRAPO in believing that the review process for hazardous fuel reduction projects, while necessary and beneficial, often consumes more time, effort, and resources than the initial intent of the project.

I am also aware that there are ongoing discussions regarding these environmental, administrative, and judicial review issues. I look forward to working with my colleagues on the Agriculture Committee and in the entire Senate to modify and improve the environmental, administrative, and judicial review provisions of this legislation in order to address my colleagues' concerns.

As we have seen with the epidemic of oak mortality in Arkansas, the Forest Service must have the ability to quickly respond to insect infestation in order to protect, preserve, and rehabilitate the entire forest. Streamlining of the environmental, administrative, and judicial review process for hazardous fuel reduction projects will ensure that we can quickly address what ails our forests.

Secondly, our legislation also provides increased funding and direction for forestland research in this country. Our legislation will ensure that our Nation's colleges and universities are able to devote more research into the insects and diseases affecting our forests. We also require that any forestland research be conducted at a scale appropriate to the forest damage, and that it be conducted within the requirements of each individual forest management plan. Our legislation also includes requirements to ensure this research has clearly stated forest restoration objectives and is peer reviewed by scientific experts in forestland health.

Our legislation includes authorization for a new upland hardwood research center designed to study the myriad of insects, disease, and problems affecting our ability to rehabilitate, restore, and utilize our upland hardwood forests. As we have seen, Arkansas was caught almost flatfooted as the epidemic of oak mortality swept through the Ozarks and severely endangered the health of our forests. Establishing this new research center will help ensure that this does not happen again.

The new research center will specifically research the effects of pests and pathogens on upland hardwoods, hardwood stand regeneration and reproductive biology, upland hardwood stand management and forest health, threatened, endangered and sensitive aquatic and terrestrial fauna, ecological processes and hardwood ecosystem restoration, and education and outreach to nonindustrial private forest landowners and associations.

The establishment of this new research center is necessary to ensure we can quickly identify and respond to the multitude of pests, disease, and other damaging agents that can dramatically affect our beloved forests.

Third, our legislation also includes funding for emergency grants to immediately remove the invasive plants that have become so pervasive throughout this Nation's forests. And when we talk about invasive plant species in the South, we are talking about one thing—Kudzu. Some call it the vine that ate the South. Kudzu was brought into this country several decades ago to be used as cover for bare hillsides and has since spread to cover everything including shrubs, bushes, and entire trees. The grant program included in our legislation will provide the means for landowners to immediately remove kudzu and the myriad other invasive plants that are choking out our forests.

Finally, our legislation also includes widely agreed upon language that would provide for grants to remove non-commercial biomass from our private forested watersheds, and provide for grants to establish private, healthy forest reserves throughout the nation. Many of these important provisions were included in the Senate-passed farm bill last year, but they were not included in the final legislation, unfortunately. Providing grants to remove noncommercial biomass will immediately reduce the amount of fuel on the forest floor and directly reduce the fire danger in our forests and around our communities. Similarly, providing grants to protect our forest watersheds will ensure that we can address our water quality concerns with a voluntary, incentive based approach. And finally, providing funding to establish new healthy forest reserves from willing private landowners will encourage the preservation and rehabilitation of this Nation's forestlands.

Mr. President, I believe that our bipartisan legislation will focus needed attention on a number of extremely critical goals for our national forest policy. One lesson that we have learned over the years is that if we value our forests, if want to conserve our woodland and resources, if we want to preserve their natural beauty, if we want to ensure that the natural bounty of our forestlands is available to future generations, then it is important that we manage those lands and resources with a careful eye toward their long-term health.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1327. Mrs. MURRAY 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.

SA 1328. Mrs. BOXER (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2555, supra.

SA 1329. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1330. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1331. Mrs. BOXER proposed an amendment to the bill H.R. 2555, supra.

SA 1332. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1333. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1334. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1335. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1336. Mr. DAYTON proposed an amendment to the bill H.R. 2555, supra.

SA 1337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1338. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1339. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1340. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 1341. Mr. HOLLINGS (for himself and Mr. GRAHAM, of Florida) 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.

SA 1342. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1343. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, supra.

SA 1344. Mr. LAUTENBERG proposed an amendment to the bill H .R. 2555, supra.

SA 1345. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1346. Ms. MIKULSKI (for herself, Mr. DODD, Ms. STABENOW, Mr. SARBANES, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. LEVIN, Mr. BYRD, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CORZINE) proposed an amendment to the bill H.R. 2555, supra.

SA 1347. Mr. KYL (for himself, Mr. MCCAIN, Mr. BROWNBACK, Mr. BAYH, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1348. Mrs. CLINTON 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.

SA 1349. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1350. Mr. CORZINE (for himself, Mr. EDWARDS, Mr. LAUTENBERG, and Mr. BIDEN) 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.

SA 1351. Mr. SCHUMER (for himself, Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, and Mr. LEVIN) proposed an amendment to the bill H.R. 2555, supra.

SA 1352. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1353. Mr. BYRD (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2555, supra.

SA 1354. Mr. BYRD (for Mr. DODD) proposed an amendment to the bill H.R. 2555, supra.

SA 1355. Mr. BYRD proposed an amendment to the bill H.R. 2555, supra.

SA 1356. Mr. BYRD (for Mrs. MURRAY) proposed an amendment to the bill H.R. 2555, supra.

SA 1357. Mr. BYRD (for Mr. REID (for himself and Mr. ENSIGN)) proposed an amendment to the bill H.R. 2555, supra .

SA 1358. Mr. BYRD (for Mr. CONRAD (for himself and Mr. DORGAN)) proposed an amendment to the bill H.R. 2555, supra .

SA 1359. Mr. BYRD (for Mr. EDWARDS) proposed an amendment to the bill H.R. 2555, supra.

SA 1360. Mr. DEWINE (for Mr. GREGG) proposed an amendment to the bill S. 650, to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

SA 1361. Mrs. HUTCHISON (for herself, Mr. VOINOVICH, Mr. DEWINE, Mr. SPECTER, Mr. SANTORUM, and Mr. WARNER) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1327. Mrs. MURRAY 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 56, line 9, strike ''$165,000,000'' and insert ''$265,000,000''.

SA 1328. Mrs. BOXER (for herself and Mr. SCHUMER) 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:

At the appropriate place, add the following:

SEC. . (a) REPORT.—Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that—

(1) details the progress made in developing countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures, and

(2) in classified form and in conjunction with airports in category X and category one, an assessment of the vulnerability of such airports from the threat of shoulder-fired missile systems and the interim measures being taken to address the threat.

SA 1329. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ___—PORT ANTI-TERRORISM AND SECURITY ACT OF 2003

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Port Anti-Terrorism and Security Act of 2003''.

Subtitle A—Deterring and Punishing Terrorism and Crime at United States Ports

SEC. 1101. DESTRUCTION OR INTERFERENCE WITH VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 65 the following:

''CHAPTER 66—MARITIME VESSELS

''Sec.
''1371. Jurisdiction and scope.
''1372. Destruction of vessel or maritime facility.
''1373. Imparting or conveying false information.

''§ 1371 Jurisdiction and scope

''(a) IN GENERAL.—There is jurisdiction under section 3231 over an offense under this chapter if—

''(1) the prohibited activity takes place within the United States, or in waters or submerged lands thereunder subject to the jurisdiction of the United States; or

''(2) the prohibited activity takes place outside the United States, and—

''(A) an offender or a victim of the prohibited activity is a citizen of the United States;

''(B) a citizen of the United States was on board a vessel to which this chapter applies; or

''(C) the prohibited activity involves a vessel of the United States.

''(b) APPLICABILITY.—Nothing in this chapter shall apply to otherwise lawful activities carried out by, or at the direction of, the United States Government.

''§ 1372. Destruction of vessel or maritime facility

''(a) OFFENSES.—It shall be unlawful for any person—

''(1) to willfully—

''(A) set fire to, damage, destroy, disable, or wreck any vessel; or

''(B) place or cause to be placed a destructive device or destructive substance in, upon, or in proximity to, or otherwise make or cause to be made an unworkable or unusable or hazardous to work or use, any vessel (as defined in section 3 of title 1), or any part or other materials used or intended to be used in connection with the operation of a vessel; or

''(C) set fire to, damage, destroy, disable, or displace a destructive device or destructive substance in, upon, or in proximity to, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, or interfere by force or violence with the operation of such maritime facility, if such action is likely to endanger the safety of any vessel in navigation;

''(D) set fire to, damage, destroy, disable, or place a destructive device or destructive

substance in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried on, or intended to be carried on, any vessel;

''(E) perform an act of violence against or incapacitate an individual on a vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

''(F) perform an act of violence against a person that causes or is likely to cause serious bodily injury in, upon, or in proximity to any appliance, structure, property, machine, apparatus, or any facility or other material used or intended to be used in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel; or

''(G) communicate information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

''(2) to attempt or conspire to do anything prohibited under paragraph (1).

''(b) PENALTY.—Any person who—

''(1) violates subparagraph (A) or (B) of subsection (a)(1) shall be fined in accordance with this title or imprisoned for a maximum life imprisonment term, or both, and if death results, shall be subject to the death penalty; and

''(2) violates subsection (a)(2) or subparagraph (C), (D), (E), (F), or (G) of subsection (a)(1) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''(c) ADDITIONAL PENALTIES.—Any person who is fined or imprisoned in accordance with subsection (b) for an offense that involved a vessel that, at the time the violation occurred, carried high-level radioactive waste or spent nuclear fuel shall be fined in accordance with this title or imprisoned for not less than 30 years, or for life.

''(d) THREATENED OFFENSE.—Any person who willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry out the threat, shall be—

''(1) fined in accordance with this title or imprisoned not more than 5 years, or both; and

''(2) liable for all costs incurred as a result of such threat.

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'destructive device' has the meaning as such term in section 921(a)(4);

''(2) the term 'destructive substance' has the meaning as such term in section 31;

''(3) the term 'high-level radioactive waste' has the meaning as such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

''(4) the term 'serious bodily injury' has the meaning as such term in section 1365(g); and

''(5) the term 'spent nuclear fuel' has the meaning as such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

''§ 1373. Imparting or conveying false information

''(a) IN GENERAL.—Any person who imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

''(b) INCREASED PENALTY.—Any person who willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys, or causes to be imparted or conveyed, false information, knowing the information to be false, concerning an attempt or alleged attempt being made by or to be made, to do any act that is an offense under this chapter or chapter 2, 97, or 111, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, is amended by inserting after the item relating to chapter 65 the following:

''66. Maritime Vessels ..... 1371''.

SEC. 1102. CRIMINAL SANCTIONS FOR PLACEMENT OF DESTRUCTIVE DEVICES OR SUBSTANCES IN UNITED STATES JURISDICTIONAL WATERS.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by inserting after section 2280 the following:

''§ 2280A. Devices or substances in waters of the United States likely to destroy or damage ships

''(a) IN GENERAL.—Any person who knowingly places or causes to be placed in waters subject to the jurisdiction of the United States, by any means, a device or substance that is likely to destroy or cause damage to a ship or its cargo, or cause interference with the safe navigation of vessels or interference with maritime commerce, such as by damaging or destroying marine terminals, facilities, and any other maritime structure or entity used in maritime commerce, with the intent of causing such destruction or damage—

''(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

''(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

''(b) APPLICABILITY.—Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2280 the following:

''2280A. Devices or substances in waters of the United States likely to destroy or damage ships.''.

SEC. 1103. PIRACY AND PRIVATEERING.

Chapter 81 of title 18, United States Code, is amended to read as follows:

''CHAPTER 81—PIRACY AND PRIVATEERING

''Sec.
''1651. Piracy.
''1652. Crimes against United States persons or property on board a ship or maritime structure.
''1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States.
''1654. Crimes by United States citizens or resident aliens.
''1655. Privateering.
''1656. Theft or conversion of vessel, maritime structure, cargo, or effects.
''1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects.
''1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects.
''1659. Attempts.
''1660. Accessories.
''1661. Inapplicability to United States Government activities.

''§ 1651. Piracy

''Any person who commits the crime of piracy and is afterwards brought into, or found in, the United States shall be imprisoned for life.

''§ 1652. Crimes against United States persons or property on board a ship or maritime structure

''Any person who commits any illegal act of violence, detention, or depredation against the United States, including any vessel of the United States, citizen of the United States, any commercial structure owned in whole or in part by a United States citizen or resident alien, or any United States citizen or resident alien, or the property of that citizen or resident alien, on board a ship or maritime structure and is afterwards brought into or found in the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1653. Crimes against persons on board a ship or maritime structure within the territorial jurisdiction of the United States

''Any person who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, in waters or submerged lands thereunder, subject to the jurisdiction of the United States, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1654. Crimes by United States citizens or resident aliens

''Any person, being a United States citizen or resident alien, or purporting to act under the authority of the United States, who commits any illegal act of violence, detention, or depredation against an individual on board a ship or maritime structure, or the property of that individual, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1655. Privateering

''(a) OFFENSE.—It shall be unlawful for any person to furnish, fit out, arm, or serve in a privateer or private vessel used to commit any illegal act of violence, detention, or depredation against an individual, or the property of that individual, or any vessel or maritime structure without the express authority of the United States Government when—

''(1) the perpetrator of the act is a United States citizen or resident alien, or purports to act under authority of the United States;

''(2) the individual against whom the act is committed is a United States citizen or resident alien or the property, vessel, or maritime structure involved is owned, in whole or in part, by a United States citizen or resident alien; or

''(3) some element of the illegal act of violence, detention, or depredation is committed in waters subject to the jurisdiction of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1656. Theft or conversion of vessel, maritime structure, cargo, or effects

''(a) OFFENSE.—It shall be unlawful for any person who is a captain, officer, crewman, or passenger of a vessel or maritime structure to assist in the theft or conversion of such vessel or maritime structure, or its cargo or effects when—

''(1) the perpetrator is a United States citizen or resident alien, or purports to act under the authority of the United States;

''(2) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

''(3) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1657. Intentional wrecking or plunder of a vessel, maritime structure, cargo, or effects

''(a) OFFENSE.—It shall be unlawful for any person to—

''(1) intentionally cause the wrecking of a vessel or maritime structure by act or omission, either directly such as by intentional grounding, or indirectly by modification or destruction of any navigational marker or safety device;

''(2) intentionally plunder, steal, or destroy a vessel, maritime structure, cargo, or effects when such vessel or maritime structure is in distress, wrecked, lost, stranded, or cast away; or

''(3) intentionally obstruct or interfere with the rescue of a person on board a vessel or maritime structure in distress, wrecked, lost, stranded, or cast away, or the legal salvage of such a vessel, maritime structure, cargo, or effects, when—

''(A) the perpetrator is a United States citizen or resident alien, or purports to act under authority of the United States;

''(B) the vessel, maritime structure, cargo, or effects is owned in whole or in part by a United States citizen or resident alien; or

''(C) some element of the theft or conversion is committed in waters subject to the jurisdiction of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1658. Knowing receipt of an illegally acquired vessel, maritime structure, cargo, or effects

''Any person who knowingly receives or acquires a vessel, maritime structure, cargo, or effects converted or obtained by action falling under any section of this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1659. Attempts

Any person who attempts any act which, if committed, would constitute an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1660. Accessories

''(a) COMMISSION OF AN OFFENSE.—Any person who knowingly assists any person in the commission of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''(b) AVOIDANCE OF CONSEQUENCES.—Any person who knowingly assists any person in avoiding the consequences of an act that constitutes an offense under this chapter shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''§ 1661. Inapplicability to United States Government activities

''Nothing in this chapter shall apply to otherwise lawful activities—

''(1) carried out by, or at the direction of, the United States Government; or

''(2) undertaken under a letter or marque and reprisal issued by the United States Government.''.

SEC. 1104. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

(a) IN GENERAL.—Chapter 39 of title 18, United States Code, is amended by inserting after section 831 the following:

''§ 832. Use of a dangerous weapon or explosive on a passenger vessel

''(a) OFFENSE.—It shall be unlawful for any person to willfully—

''(1) commit an act, including the use of a dangerous weapon, explosive, or incendiary device, with the intent to cause death or serious bodily injury to a crew member or passenger of a passenger vessel or any other person while on board a passenger vessel; or

''(2) attempt, threaten, or conspire to do any act referred to in paragraph (1).

''(b) PENALTY.—An person who violates subsection (a) shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

''(c) AGGRAVATED OFFENSE.—Any person who commits an offense described in subsection (a) in a circumstance in which—

''(1) the vessel was carrying a passenger at the time of the offense; or

''(2) the offense has resulted in the death of any person;

shall be guilty of an aggravated offense and shall be fined in accordance with this title or imprisoned for any term of years or for life.

''(d) APPLICABILITY.—This section shall apply to vessels that are subject to the jurisdiction of the United States, and vessels carrying passengers who are United States citizens or resident aliens, wherever located.

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'dangerous weapon' has the meaning given such term in section 930(g);

''(2) the term 'explosive or incendiary device' has the meaning given such term in section 232(5);

''(3) the term 'passenger' has the same meaning given such term in section 2101(21) of title 46;

''(4) the term 'passenger vessel' has the same meaning given such term in section 2101(22) of title 46; and

''(5) the term 'serious bodily injury' has the meaning given such term in section 1365(g).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 39 of title 18, United States Code, is amended by inserting after the item relating to section 831 the following:

''832. Use of a dangerous weapon or explosive on a passenger vessel.''.

SEC. 1105. SANCTIONS FOR FAILURE TO HEAVE TO AND FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

''(a) FAILURE TO HEAVE TO.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to on being ordered to do so by an authorized Federal law enforcement officer.

''(b) OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

''(1) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

''(2) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew that the person knows is false.

''(c) LIMITATIONS.—This section shall not limit the authority of—

''(1) an officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the Secretary of the Treasury or the Under Secretary for Border and Transportation Security of the Department of Homeland Security; or

''(2) a Federal law enforcement officer under any law of the United States to order a vessel to stop or heave to.

''(d) CONSENT OR OBJECTION TO ENFORCEMENT.—A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means, which consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

''(e) PENALTY.—Any person who intentionally violates this section shall be fined in accordance with this title and imprisoned not more than 1 year.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the same meanings as such terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903);

''(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding; and

''(3) the term 'Federal law enforcement officer' has the same meaning as such term in section 115.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.''.

SEC. 1106. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION.

Section 2280(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (F), (G), and (H) as (G), (H), and (I), respectively;

(B) by inserting after subparagraph (E) the following:

''(F) destroys, damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954, (33 U.S.C. 984) or the Coast Guard pursuant to section 81 of title 14, or lawfully maintained by the Coast Guard pursuant to section 83 of title 14, if such act endangers or is likely to endanger the safe navigation of a ship;''; and

(C) in subparagraph (I), as so redesignated, by striking ''through (G)'' and inserting ''through (H)''; and

(2) in paragraph (2), by striking ''(C) or (E)'' and inserting ''(C), (E), or (F)''.

SEC. 1107. CRIMINAL SANCTIONS FOR MALICIOUS DUMPING.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

''§ 2282. Knowing discharge or release

''(a) ENDANGERMENT OF HUMAN LIFE.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjoining shoreline with the intent to endanger human life, health, or welfare—

''(1) shall be fined in accordance with this title and imprisoned for any term of years or for life; and

''(2) if the death of any person results from conduct prohibited under this section, may be punished by death.

''(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other substance into the navigable waters of the United States or the adjacent shoreline with the intent to endanger the marine environment shall be fined in accordance with this title or imprisoned not more than 30 years, or both.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

''(2) the term 'hazardous material' has the same meaning given such term in section 2101(14) of title 46;

''(3) the term 'marine environment' has the same meaning given such term in section 2101(15) of title 46;

''(4) the term 'navigable waters' has the same meaning given such term in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988; and

''(5) the term 'noxious liquid substance' has the same meaning given such term in the MARPOL Protocol as defined in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

''2282. Knowing discharge or release.''.

SEC. 1108. ATTORNEY GENERAL TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) REGULATIONS.—The Attorney General shall issue regulations to—

(1) require the reporting by a carrier that is the victim of a cargo theft offense to the Attorney General of information on the cargo theft offense (including offenses occurring outside ports of entry and ports of shipment origination) that identifies the port of entry, the port where the shipment originated, where the theft occurred, and any other information specified by the Attorney General;

(2) create a database to contain the reports described in paragraph (1) and integrate those reports, to the extent feasible, with other noncriminal justice and intelligence data, such as insurer bill of lading, cargo contents and value, point of origin, and lien holder filings; and

(3) prescribe procedures for access to the database created in accordance with paragraph (2) by appropriate Federal, State, and local governmental agencies and private companies or organizations, while limiting access to privacy of the information in accordance with other applicable Federal laws.

(b) MODIFICATION OF DATABASES.—

(1) IN GENERAL.—United States Government agencies with significant regulatory or law enforcement responsibilities at United States ports shall, to the extent feasible, modify their information databases to ensure the collection and retrievability of data relating to crime, terrorism, and related activities at, or affecting, United States ports.

(2) DESIGNATION OF AGENCIES.—The Attorney General, after consultation with the Secretary of Homeland Security, shall designate the agencies referred to in paragraph (1).

(c) OUTREACH PROGRAM.—The Attorney General, in consultation with the Secretary of Homeland Security, the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, and the appropriate Federal and State agencies, shall establish an outreach program—

(1) to work with State and local law enforcement officials to harmonize the reporting of data on cargo theft among States and localities with the United States Government's reports; and

(2) to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(d) ANNUAL REPORT.—The Attorney General shall report annually to the Committee on the Judiciary of the Senate and the House of Representatives on the implementation of this section.

(e) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER; STATE PROSECUTIONS.—

(1) STATE PROSECUTIONS.—Section 659 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking ''Whoever embezzles'' and inserting the following:

''(a) OFFENSE; PENALTY.—Whoever—

''(1) embezzles'';

(ii) by striking ''from any pipeline system'' and all that follows through ''with intent to convert to his own use''; and

(iii) by striking ''or'' at the end;

(B) in the second undesignated paragraph—

(i) by striking ''Whoever buys'' and inserting the following:

''(2) buys''; and

(ii) by striking ''or'' at the end;

(C) in the third undesignated paragraph—

(i) by striking ''Whoever embezzles'' and inserting the following''

''(3) embezzles''; and

(ii) by striking ''with intent to convert to his own use'';

(D) in the fourth undesignated paragraph, by striking ''Whoever embezzles'' and inserting the following:

''(4) embezzles'';

(E) in the fifth undesignated paragraph, by striking ''Shall in each case'' and inserting the following:

''shall in each case'';

(F) in the sixth undesignated paragraph, by striking ''The'' and inserting the following:

''(b) LOCATION OF OFFENSE.—The'';

(G) in the seventh undesignated paragraph, by striking ''The'' and inserting the following''

''(c) SEPARATE OFFENSE.—The'';

(H) in the eighth undesignated paragraph, by striking ''To'' and inserting the following:

''(d) PRIMA FACIE EVIDENCE.—To'';

(I) in the ninth undesignated paragraph, by striking ''A'' and inserting the following:

''(e) PROSECUTION.—A''; and

(J) by adding at the end the following:

''(f) CIVIL PENALTY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any penalties that may be available under any other provision of law, a person who is found by the Secretary of Homeland Security, after notice and an opportunity for a hearing, to have violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty not to exceed $25,000 for each violation.

''(2) SEPARATE VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation.

''(3) AMOUNT OF PENALTY.—

''(A) IN GENERAL.—The amount of a civil penalty for a violation of this section or a regulation issued under this section shall be assessed by the Attorney General, or the designee of the Attorney General, by written notice.

''(B) CONSIDERATIONS.—In determining the amount of a civil penalty under this paragraph, the Attorney General shall take into account—

''(i) the nature, circumstances, extent, and gravity of the prohibited act committed; and

''(ii) with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

''(4) MODIFICATION OF PENALTY.—The Secretary of Homeland Security may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or which has been imposed under this section.

''(5) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary of Homeland Security may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

''(g) DEFINITION.—For purposes of this section, the term 'goods or chattels' means to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment) regardless of any temporary stop while awaiting transshipment or otherwise.''.

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 of title 18, United States Code, as amended by this subsection.

(3) ANNUAL REPORT.—The Attorney General shall annually submit to Congress a report that shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

Subtitle B—Protecting United States Ports Against Terrorism and Crime

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) CAPTAIN-OF-THE-PORT.—The term ''Captain-of-the-Port'', with respect to a United States seaport, means the individual designated by the Commandant of the Coast Guard as the Captain-of-the-Port at that seaport.

(3) COMMON CARRIER.—The term ''common carrier'' means any person that holds itself out to the general public as a provider for hire of a transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(4) CONTAINER.—The term ''container'' means a container that is used or designed for use for the international transportation of merchandise by vessel, vehicle, or aircraft.

(5) DIRECTORATE.—The term ''Directorate'' means the Border and Transportation Security Directorate of the Department of Homeland Security.

(6) MANUFACTURER.—The term ''manufacturer'' means a person who fabricates or assembles merchandise for sale in commerce.

(7) MERCHANDISE.—The term ''merchandise'' has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(8) SHIPMENT.—The term ''shipment'' means cargo traveling in international commerce under a bill of lading.

(9) UNITED STATES SEAPORT.—The term ''United States seaport'' means a place in the United States on a waterway with shoreside facilities for the intermodal transfer of cargo containers that are used in international trade.

(11) VEHICLE.—The term ''vehicle'' has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

(12) VESSEL.—The term ''vessel'' has the meaning given that term in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

SEC. 1202. DESIGNATED SECURITY AUTHORITY.

The Captain-of-the-Port of each United States seaport shall be the primary authority responsible for security at the United States seaport and shall—

(1) coordinate security at such seaport; and

(2) be the point of contact on seaport security issues for civilian and commercial port entities at such seaport.

SEC. 1203. PENALTIES FOR INACCURATE MANIFEST.

(a) FALSITY OR LACK OF MANIFEST.—Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) in subsection (a)(1)—

(A) by striking ''$1,000'' each place it appears and inserting ''$50,000''; and

(B) by striking ''$10,000'' and inserting ''$50,000''; and

(2) by adding at the end the following new subsection:

''(c) CRIMINAL PENALTIES.—Any person who ships or prepares for shipment any merchandise bound for the United States who intentionally provides inaccurate or false information, whether inside or outside the United States, with respect to such merchandise for the purpose of introducing such merchandise into the United States in violation of the laws of the United States, shall be liable, upon conviction of a violation of this subsection, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the importation of such merchandise into the United States is prohibited, such person shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.''.

(b) PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.—Subsections (b) and (c) of section 436 of Tariff Act of 1930 (19 U.S.C. 1436) are amended to read as follows:

''(b) CIVIL PENALTY.—Any master, person in charge of a vessel, vehicle, or aircraft pilot who commits any violation listed in subsection (a) shall be liable for a civil penalty of $25,000 for the first violation, and $50,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture.

''(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vessel, vehicle, or aircraft pilot who intentionally commits or causes another to commit any violation listed in subsection (a) shall be liable, upon conviction, for a fine of not more than $50,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual shall be liable for an additional fine of not more than $50,000 or imprisonment for not more than 5 years, or both.''.

SEC. 1204. INSPECTION OF MERCHANDISE AT FOREIGN FACILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a plan to—

(1) station inspectors from the Directorate, other Federal agencies, or the private sector at the foreign facilities of manufacturers or common carriers to profile and inspect merchandise and the containers or other means by which such merchandise is transported as they are prepared for shipment on a vessel that will arrive at any port or place in the United States;

(2) develop procedures to ensure the security of merchandise inspected as described in paragraph (1) until it reaches the United States; and

(3) permit merchandise inspected as described in paragraph (1) to receive expedited inspection upon arrival in the United States.

SA 1330. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

Insert after section 615 the following:

SEC. 616. (a) INCREASE IN AMOUNT FOR OFFICE FOR DOMESTIC PREPAREDNESS.—The amount appropriated by title IV of this Act under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'' is hereby increased by $30,000,000.

(b) AVAILABILITY FOR INTEROPERABLE COMMUNICATIONS GRANTS.—Of the amount appropriated by title IV of this Act under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'', as increased by subsection (a), up to $30,000,000 may be available for interoperable communications grants.

(c) OFFSET.—The amount appropriated by title I of this Act under the heading ''OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT'' is hereby reduced by $30,000,000, with the amount of the reduction to be allocated to amounts available under that heading for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

SA 1331. Mrs. BOXER 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:

At the appropriate place, add the following:

SEC. ___. Not later than March 1, 2004, the Secretary of Homeland Security shall issue a classified report to Congress on the security costs incurred by state and local government law enforcement personnel in each state in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials.

SA 1332. Mr. LEVIN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES

SEC. ___. CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES.

Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period '', or any subsidiary of such an entity'';

(2) in subsection (b)(1), by inserting ''before, on, or'' after ''completes''; and

(3) in subsection (c)(1)(B), by striking ''which is after the date of enactment of this Act and''.

SA 1333. Mr. REED submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. It is the sense of the Senate that—

(1) the Bureau of Immigration and Customs Enforcement faces an increasing demand for Customs investigative work in Rhode Island, particularly in the areas of drug smuggling and money laundering; and

(2) the Bureau of Immigration and Customs Enforcement should establish an Office of Customs Investigations in Providence, Rhode Island, with an adequate number of special agents and support staff.

SA 1334. Mr. FEINGOLD submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Secretary of Homeland Security, in close consultation with State and local officials, shall conduct a study of methods for improving the Nation's threat-alert system.

(b) The study under subsection (a) shall include—

(1) a survey of alternative threat-alert systems, including the feasibility of regional and threat-type alerts;

(2) best estimates of the costs incurred by Federal, State, and local governments and the private sector each time threat levels are adjusted within the current alert system; and

(3) a comparison of the costs described in paragraph (2) with the projected costs of the alternatives explored under paragraph (1).

(c) Not later than April 30, 2004, the Secretary of Homeland Security shall submit to Congress a report summarizing the results of the study conducted under this section.

SA 1335. Mr. FEINGOLD submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. (a) The Secretary of Homeland Security, in close consultation with State and local officials and emergency preparedness professional associations, shall conduct a study of the feasibility of establishing a center within the Department of Homeland Security to systematically collect, coordinate, organize, and analyze best practices and other information that could benefit emergency responders.

(b) The study under subsection (a) shall—

(1) explore ways in which the center described in subsection (a) could efficiently

share best practices with emergency responders through a website or other communication method;

(2) estimate the costs that would be occurred to establish and maintain such a center; and

(3) estimate the potential efficiency gains or losses that such a center would produce and their related financial impact.

(c) Not later than January 30, 2004, the Secretary of Homeland Security shall submit to Congress a report summarizing the results of the study conducted under this section.

SA 1336. Mr. DAYTON 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, between lines 5 and 6, insert the following:

SEC. 616. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of any articles, materials, or supplies in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

SA 1337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 1 and all that follows through page 20, line 2.

SA 1338. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 3, strike ''2007'' and insert ''2004''.

SA 1339. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 20, strike line 3 and all that follows through page 85, line 10.

SA 1340. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, insert the following:

SEC. ___. STUDY OF EFFECTIVENESS OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) STUDY.—The Comptroller General of the United States shall undertake a study of the effectiveness of the credit for electricity produced from certain renewable resources under section 45 of the Internal Revenue Code of 1986, as amended by title I. Such study shall evaluate—

(1) whether the credit is necessary as a means of encouraging the use of renewable resources,

(2) whether the credit is economically efficient,

(3) the amount of investment in renewable resource technologies that would exist if no tax credit were available, and

(4) when the credit should terminate.

(b) REPORT.—The Comptroller General of the United States shall report the study required under subsection (a) to Congress not later than 1 year after the date of the enactment of this Act.

SA 1341. Mr. HOLLINGS (for himself and Mr. GRAHAM of Florida) 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 49, line 2, strike ''$150,000,000'' and insert ''$450,000,000''.

On page 66, line 9, strike ''$823,700,000'' and insert ''$523,700,000,''.

SA 1342. Mr. BIDEN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than March 1, 2004, the Secretary of Homeland Security shall submit to Congress a report that details the costs incurred by State and local governments as a direct result of an increase in the threat level of the Homeland Security Advisory System.

SA 1343. Mr. SCHUMER (for himself and Mr. CORZINE) 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 49, beginning on line 14, strike all through line 19 and insert the following:

For necessary expenses for research and development related to transportation security, $200,000,000, to remain available until expended: *Provided,* That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices: *Provided further,* That of the total amount provided under this heading $70,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.

SA 1344. Mr. LAUTENBERG 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, between lines 5 and 6, insert the following:

SEC. ___. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report in unclassified form to Congress on the Homeland Security Advisory System, which shall include—

(1) an assessment of how the system is fulfilling its missions to—

(A) provide a national framework for Federal, State, and local governments, private industry and the public to gauge threat levels;

(B) establish the integration of factors for assignment of threat conditions;

(C) unify the system of public announcements, allowing government officials and citizens to communicate the nature and degree of terrorist threats; and

(D) provide a tool for combating terrorism by deterring terrorist activity, notifying law enforcement and State and local government officials of threats, informing the public about government preparations, and providing such officials and the public with information necessary to respond to the threat;

(2) the average daily cost of elevating the Homeland Security Advisory System by 1 threat level;

(3) an evaluation by the Inspector General of the Department of Homeland Security of the responses to each of the suggested protective measures to be taken at each threat level; and

(4) a review of efforts taken by the Department of Homeland Security to refine the Homeland Security Advisory System, and the progress of tailoring the system so that threat alerts are issued on a regional basis rather than nationally.

SA 1345. Mr. MCCAIN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table, as follows:

At the end of the bill add the following:

Notwithstanding the preceding provisions of this Act, the matter appropriating funds under the heading ''FIRE-FIGHTERS, ASSISTANCE GRANTS'' in title IV under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'' shall be deemed to appear in title IV under the heading ''OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE'' before the item with the heading ''RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM.

SA 1346. Ms. MIKULSKI (for herself, Mr. DODD, Ms. STABENOW, Mr. SARBANES, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. LEVIN, Mr. BYRD, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CORZINE) 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 60, line 1, strike ''$750,000,000'' and insert ''$900,000,000''.

SA 1347. Mr. KYL (for himself, Mr. MCCAIN, Mr. BROWNBACK, Mr. BAYH, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, add the following:

SEC. 443. PROHIBITION ON NUCLEAR EXPORTS TO COUNTRIES THAT SPONSOR TERRORISM.

(a) IN GENERAL.—Section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) is amended—

(1) by inserting ''a.'' before ''No nuclear exports''; and

(2) by adding at the end the following new subsection:

''b. (1) Notwithstanding subsection a. and except as provided in paragraphs (2), (3), and

(4), no nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of this Act and regulated under Part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List, shall be exported, whether directly or indirectly, to any country that is on the Department of State list of countries that sponsor terrorism.

''(2) This subsection shall not apply to Iraq.

''(3) This subsection shall not apply to items, services, or information that are used for nuclear safeguards or nonproliferation purposes, including but not limited to surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission.

''(4) The President may waive the application of paragraph (1) to a country if the President determines and certifies to Congress that the waiver of that paragraph—

''(A) is in the vital national security interests of the United States;

''(B) is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety; and

''(C) will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons or any materials or components of nuclear weapons.

''(5) Notwithstanding section 121 of this Act, this subsection shall apply without regard to any international arrangement made after the date of the enactment of this subsection.''.

(b) APPLICABILITY TO EXPORTS APPROVED FOR TRANSFER BUT NOT TRANSFERRED.—Subsection b. of section 129 of the Atomic Energy Act of 1954, as added by subsection (a) of this section, shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

SA 1348. Mrs. CLINTON 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, between lines 5 and 6, insert the following:

SEC. 616. (a) The Senate finds that—

(1) this Act is intended to provide critical homeland security resources to State and local communities and first responders to help them in their efforts to improve our homeland defense at the National, State, and local levels;

(2) given the nature of the terrorist threats against our Nation and the grave consequences of a terrorist attack, it is in the best interest of our homeland defense that such resources be disbursed and employed as effectively as possible;

(3) the Secretary of Homeland Security has repeatedly emphasized the need to use a threat-based formula, instead of a per capita formula, to best allocate homeland security block grant funds to States for use by States and local communities;

(4) in the June 2003 report of the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by Senator Warren B. Rudman, entitled ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared'', the Task Force—

(A) declared the ''existing systems for determining the distribution of appropriated funds to states to be badly in need of reform'';

(B) advised that ''Congress should establish a system for allocating scarce [homeland security] resources based . . . on addressing identified threats and vulnerabilities''; and

(C) stated that, in allocating Federal homeland security funds, ''the Federal Government should consider such factors as population density, vulnerability assessment, and presence of critical infrastructure within each state'';

(5) the vulnerability assessment may cover a range of considerations, including—

(A) the proximity of a community to nuclear and chemical facilities, ports, and international borders;

(B) the presence of national icons that may be terrorist targets;

(C) population (including tourist, military, and commuting population), population density, the location, risk, or vulnerability of critical infrastructure or key national assets; and

(D) any other factor considered appropriate by the Secretary of Homeland Security;

(6) our Nation's critical infrastructure consists of systems and assets, whether physical or virtual, that are vital to the United States, including infrastructure relating to—

(A) agriculture;

(B) food;

(C) water;

(D) public health;

(E) emergency services;

(F) government;

(G) defense;

(H) energy;

(I) transportation;

(J) banking and finance;

(K) chemicals;

(L) postal service; and

(M) shipping;

(7) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188) requires a threat analysis, an indication that Congress recognizes the importance of threat-based formulas; and

(8) other national homeland security experts have also called for the distribution of Federal, State, and local homeland security grants using a threat-based formula in lieu of a per capita formula.

(b) It is the sense of the Senate that homeland security grants to State and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) by the Office of Domestic Preparedness of the Department of Homeland Security should, subject to minimum allocations for small States, be allocated to States through a threat-based formula in lieu of a per capita formula.

SA 1349. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, after line 25, add the following:

SEC. ___. STATE INCENTIVES FOR USE OF CLEAN COAL TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE FACILITY.—The term ''compliance facility'' means any facility that—

(A)(i) is designed, constructed, or installed, and used, at a coal-fired electric generation unit for the primary purpose of complying with acid rain control requirements established by title IV of the Clean Air Amendments of 1990 (42 U.S.C. 7651 et seq.); and

(ii) controls or limits emissions of sulfur or nitrogen compounds resulting from the combustion of coal through the removal or reduction of those compounds before, during, or after the combustion of the coal, but before the combustion products are emitted into the atmosphere;

(B)(i) removes sulfur compounds from coal before the combustion of the coal; and

(ii) is located off the premises of the electric generation facility at which the coal processed by the compliance facility is burned;

(C) includes a flue gas desulfurization system connected to a coal-fired electric generation unit; or

(D) includes facilities or equipment acquired, constructed, or installed, and used, at a coal-fired electric generating unit primarily for the purpose of handling—

(i) the byproducts produced by the compliance facility; or

(ii) other coal combustion byproducts produced by the electric generation unit in or to which the compliance facility is incorporated or connected.

(2) ELECTRIC UTILITY.—The term ''electric utility'' means any person (including any municipality) that generates, transmits, or distributes electric energy through the use of a coal-fired generating unit that contains, is attached to, or is used in conjunction with a compliance facility.

(b) CREDITS.—A State may provide to an electric utility a credit against any tax or fee owed to the State under a State law, in an amount calculated under, and in accordance with, a formula to be determined by the State, for the use of coal mined from deposits in the State that is burned in a coal-fired electric generation unit that is owned or operated by the electric utility that receives the credit.

(c) EFFECT ON INTERSTATE COMMERCE.—Action taken by a State in accordance with this section—

(1) shall be considered to be a reasonable regulation of commerce as of the effective date of the action; and

(2) shall not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

SA 1350. Mr. CORZINE (for Mr. EDWARDS, Mr. LAUTENBERG, and Mr. BIDEN) 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 66, strike lines 9 and 10, and insert the following: $903,700,000, to remain available until September 30, 2005; of which $80,000,000 shall be for chemical facility security assessments.

SA 1351. Mr. SCHUMER (for Mr. BAUCUS, Ms. CANTWELL, Mr. LEAHY, Ms. STABENOW, and Mr. LEVIN) 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:

In title III under the heading ''SALARIES AND EXPENSES'' under the heading ''CUSTOMS AND BORDER PROTECTION'', strike ''$4,366,000,000,'' and insert ''$4,566,000,000, of which not to exceed $200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004 as authorized by section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) of

2001 (115 Stat. 342), and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Immigration and Customs Enforcement;''.

SA 1352. Mr. AKAKA submitted an amendment intended to be proposed by him 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, between lines 5 and 6, insert the following:

SEC. 6___. PRIORITY FOR FIRE BOATS.

Notwithstanding any other law, if the Homeland Security Strategic Plan of a State or an Area Maritime Transportation Security Plan under section 70103(b) of title 46, United States Code, states that there is a need for fire boats in the State, the United States Fire Administration shall consider fire boats to be ranked as ''priority one'' for the purposes of an application for a firefighter assistance grant made by a fire department in that State.

SA 1353. Mr. BYRD (for Mr. BINGAMAN) 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 46, line 17, insert before the period the following:

'': *Provided further,* That not later than 180 days after the date of enactment of this Act, the General Accounting Office shall transmit to Congress a report on the implementation of the Student and Exchange Visitor Information System (SEVIS), including an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by the Department to resolve problems in SEVIS''.

SA 1354. Mr. BYRD (for Mr. DODD) 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 50, line 16, after ''United States:'', insert the following: ''*Provided further,* That of the total amount provided under this heading, funding to operate and maintain the Coast Guard Research and Development Center shall continue at the fiscal year 2003 level: *Provided further,* That the Commandant of the Coast Guard shall conduct a study, the cost of which is not to exceed $350,000, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives, on the research and development priorities of the Coast Guard and a design for a new research and development organizational structure within the Coast Guard that ensures that the Coast Guard has access to the most advanced technology necessary to perform its missions effectively: *Provided further,* That the Commandant may seek an independent entity to conduct such a study:''.

On page 67, line 8, before the period at the end, insert the following: '': *Provided further,* That the Under Secretary for Science and Technology shall work with the Coast Guard Research and Development Center regarding research priorities for the Coast Guard: *Provided further,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation''.

SA 1355. Mr. BYRD 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 5 delete all beginning with ''after'' down through and including ''Act'', and insert: ''the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, whichever is later''

SA 1356. Mr. BYRD (for Mrs. MURRAY) 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 51, line 24, after the word ''equipment'', insert: ''including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program''

SA 1357. Mr. BYRD (for Mr. REID (for himself and Mr. ENSIGN)) 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, between lines 5 and 6, insert the following:

SEC. 616(a) Congress finds that—

(1) emergency responders are the first line of defense in protecting our Nation against terrorist attacks;

(2) the Department of Homeland Security uses population as a factor when allocating grant funding to States and local governments for emergency responders;

(3) population plays an important role in both formula and discretionary grants, which are administered by the Department of Homeland Security;

(4) the number of people in a any city or State often differs from estimates by the Census Bureau;

(5) large groups of tourists regularly visit many American cities and states, but are not included in the resident population of these cities and states; and

(6) the monetary needs of emergency responders are directly related to the amount of people they are responsible to protect.

(b) It is the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants.

SA 1358. Mr. BYRD (for Mr. CONRAD (for himself and Mr. DORGAN)) 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, between lines 5 and 6, insert the following:

SEC. 616. Not later than 30 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall—

(1) review the damage survey reports and project worksheets relating to the damages and costs incurred by the University of North Dakota as a result of the April 1997 flooding in North Dakota, which is classified Emergency Preparedness and Response as DR–1174–ND; and

(2) submit a report on the efforts of the Directorate of Emergency Preparedness and Response to resolve any outstanding claims by the University of North Dakota relating to the reports described in paragraph (1) to the Committees on Appropriations of the Senate and House of Representatives.

SA 1359. Mr. BYRD (for Mr. EDWARDS) 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 66, line 3, after ''Center'', insert:

: *Provided,* That no later than 120 days after enactment the Under Secretary of Infrastructure Analysis and Infrastructure Protection shall submit a report to the Committees on Appropriations of the Senate and House of Representatives on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity).''

SA 1360. Mr. DEWINE (for Mr. GREGG) proposed an amendment to the bill S. 650, to amend the Federal Food, Drug and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; as follows:

On page 14, line 18, after ''misbranded'', insert ''solely because of that failure''.

On page 19, strike lines 5 and 6 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) APPLICABILITY TO NEW DRUGS AND BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act (as added by section 2) shall apply to an application described in paragraph (1) of that subsection submitted to the Secretary of Health and Human Services on or after April 1, 1999.

(2) WAIVERS AND DEFERRALS.—

(A) WAIVER OR DEFERRAL GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, a waiver or deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the waiver or deferral shall be a waiver or deferral under subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act, except that any date specified in such a deferral shall be extended by the number of days that is equal to the number of days between October 17, 2002, and the date of enactment of this Act.

(B) WAIVER AND DEFERRAL NOT GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, neither a waiver nor deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the person that submitted the application shall be required to submit assessments under subsection (a)(2) of section 505B

of the Federal Food, Drug, and Cosmetic Act on the date that is the later of—

(i) the date that is 1 year after the date of enactment of this Act; or

(ii) such date as the Secretary may specify under subsection (a)(3) of that section;

unless the Secretary grants a waiver under subsection (a)(4) of that section.

On page 19, line 7, strike ''(b)'' and insert ''(c)''.

SA 1361. Mrs. HUTCHISON (for herself, Mr. VOINOVICH, Mr. DEWINE, Mr. SPECTER, Mr. SANTORUM, and Mr. WARNER) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

On page 75, between lines 5 and 6, insert the following:

SEC. 6___. PAYMENTS BASED ON POPULATION.

(a) DEFINITIONS.—In this section:

(1) RELATIVE STATE POPULATION PROPORTION.—The term ''relative State population proportion'' means, with respect to a State, the amount that is equal to the quotient obtained by dividing—

(A) the population of the State (as reported in the most recent decennial census); by

(B) the total population of all States (as reported in the most recent decennial census).

(2) RELATIVE POPULATION PROPORTION AMOUNT.—The term ''relative population proportion amount'' means the product of—

(A) the appropriated amount described in subsection (b); and

(B) the relative State population proportion for the State.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(b) PAYMENTS.—Subject to subsection (c), the amount appropriated under paragraph (1) under the heading ''STATE AND LOCAL PROGRAMS'' under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'' in title IV shall be used to pay each State an amount equal to the relative population proportion amount.

(c) MINIMUM PAYMENT.—

(1) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

(A) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the appropriated amount described in subsection (b); and

(B) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, 1/10 of 1 percent of the appropriated amount described in subsection (b).

(2) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust, on a pro rata basis, the amount of the payments to States determined under this section without regard to this paragraph to the extent necessary to comply with the requirements of paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 23, 2003, at 9:30 a.m. on Public Interest and Localism in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, July 23 at 10 a.m. to consider pending calendar business.

Agenda

Agenda Item 2: S. 391—A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

Agenda Item 3: S. 434—A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

Agenda Item 4: S. 435—A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes.

Agenda Item 5: S. 452—A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes.

Agenda Item 6: S. 714—A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

Agenda Item 9: S. 1003—A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

Agenda Item 10: H.R. 417—To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

Agenda Item 11: H.R. 622—To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

Agenda Item 12: H.R. 762—To amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

Agenda Item 13: H.R. 1012—To establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2003 at 9:30 a.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 23, 2003 at 2:45 p.m. to hold a hearing on Iraq: Status and Prospects for Reconstruction—Next Steps.

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, July 23, 2003.

Agenda

S.__, Patient Safety and Quality Improvement Act of 2003

Presidential Nominations: Daniel Pipes, of Pennsylvania, to be a Member of the Board of Directors of the United States Institute of Peace; Charles Edward Horner, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace; Stephen David Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace; Eric Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission.

Any additional nominees cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 23, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 556, a Bill to Reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 23, 2003, at 9:00 a.m. in Hart Room 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Oversight Hearing: Law Enforcement and Terrorism'' on Wednesday, July 23, 2003, at 10:00 a.m. in the Hart Senate Office Building Room 216.

Agenda

The Honorable Robert S. Mueller, Director, Federal Bureau of Investigation, Department of Justice, Washington, DC; The Honorable Asa Hutchinson, Under Secretary for Border & Transportation Security, Department of Homeland Security, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct an Executive Nominations hearing on Wednesday, July 23, 2003, at 2:00 p.m. in the Dirksen Senate Office Building Room 226.

Agenda

Panel I: Senators.

Panel II: Rene Alexander Acosta to be Assistant Attorney General, Civil Rights Division, United States Department of Justice and Daniel J. Bryant to be Assistant Attorney General, Office of Legal Policy, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet to conduct a hearing on ''Agriculture, Consolidation and the Smithfield/Farmland Deal'' on Wednesday, July 23, 2003, at 4:00 p.m. in Room 138 of the Dirksen Senate Office Building.

Agenda

Panel I: Senator Tim Johnson.

Panel II: Mr. Joseph Sebring, CEO, John Morrell, Inc., Cincinnati, OH; Mr. William Hughes, Administrator, Division of Agricultural Development, Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, WI; Dr. Luther Tweeten, Agriculture Consultant, Columbus, OH; Mr. Russ Kremer, President, Missouri Farmers' Union, Jefferson City, MO; Mr. Patrick Bell, Farmer, Kenansville, NC; and Mr. Michael Stumo, General Counsel, Organization for Competitive Markets, Winstead, CT.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 23, 2003, at 2:30 p.m. to conduct a hearing on ''Enhancing the Role of the Private Sector in Public Transportation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Jeff Klein and Matt Linstroth of my staff be granted the privilege of the floor for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEDIATRIC RESEARCH EQUITY ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar 183, S. 650.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 650) to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with amendments, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 650

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 ''Pediatric Research Equity Act of 2003''.

SEC. 2. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505A the following:

''SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

''(a) NEW DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—A person that submits an application (or supplement to an application)—

''(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration; or

''(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration;

shall submit with the application the assessments described in paragraph (2).

''(2) ASSESSMENTS.—

''(A) IN GENERAL.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

''(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

''(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

''(B) SIMILAR COURSE OF DISEASE OR SIMILAR EFFECT OF DRUG OR BIOLOGICAL PRODUCT.—

''(i) IN GENERAL.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

''(ii) EXTRAPOLATION BETWEEN AGE GROUPS.—A study may not be needed in each pediatric age group if data from 1 age group can be extrapolated to another age group.

''(3) DEFERRAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

''(A) the Secretary finds that—

''(i) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

''(ii) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

''(iii) there is another appropriate reason for deferral; and

''(B) the applicant submits to the Secretary—

''(i) certification of the grounds for deferring the assessments;

''(ii) a description of the planned or ongoing studies; and

''(iii) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time.

''(4) WAIVERS.—

''(A) FULL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

''(iii) the drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

''(II) is not likely to be used in a substantial number of pediatric patients.

''(B) PARTIAL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii) the drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric

formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(b) MARKETED DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—After providing notice in the form of a letter and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) if the Secretary finds that—

''(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

''(ii) the absence of adequate labeling could pose significant risks to pediatric patients; or

''(B)(i) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; and

''(ii) the absence of adequate labeling could pose significant risks to pediatric patients.

''(2) WAIVERS.—

''(A) FULL WAIVER.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups.

''(B) PARTIAL WAIVER.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii)(I) the drug or biological product—

''(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

''(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(3) RELATIONSHIP TO OTHER PEDIATRIC PROVISIONS.—

''(A) NO ASSESSMENT WITHOUT WRITTEN REQUEST.—No assessment may be required under paragraph (1) for a drug subject to an approved application under section 505 unless—

''(i) the Secretary has issued a written request for a related pediatric study under section 505A(c) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m);

''(ii)(I) if the request was made under section 505A(c)—

''(aa) the recipient of the written request does not agree to the request; or

''(bb) the Secretary does not receive a response as specified under section 505A(d)(4)(A); or

''(II) if the request was made under section 409I of the Public Health Service Act (42 U.S.C. 284m)—

''(aa) the recipient of the written request does not agree to the request; or

''(bb) the Secretary does not receive a response as specified under section 409I(c)(2) of that Act; and

''(iii)(I) the Secretary certifies under subparagraph (B) that there are insufficient funds under sections 409I and 499 of the Public Health Service Act (42 U.S.C. 284m, 290b) to conduct the study; or

''(II) the Secretary publishes in the Federal Register a certification that certifies that—

''(aa) no contract or grant has been awarded under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b); and

''(bb) not less than 270 days have passed since the date of a certification under subparagraph (B) that there are sufficient funds to conduct the study.

''(B) NO AGREEMENT TO REQUEST.—Not later than 60 days after determining that no holder will agree to the written request (including a determination that the Secretary has not received a response specified under section 505A(d) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m), the Secretary shall certify whether the Secretary has sufficient funds to conduct the study under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b), taking into account the prioritization under section 409I.

''(c) MEANINGFUL THERAPEUTIC BENEFIT.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B)(i) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary estimates that—

''(1) if approved, the drug or biological product would represent a significant improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

''(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

''(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

''(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

''(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

''(A) to withdraw approval for a drug under section 505(e); or

''(B) to revoke the license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262).

''(e) MEETINGS.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

''(1) information that the sponsor submits on plans and timelines for pediatric studies; or

''(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

''(f) SCOPE OF AUTHORITY.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

''(g) ORPHAN DRUGS.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section [526.''.] *526.*

''(h) INTEGRATION WITH OTHER PEDIATRIC STUDIES.—The authority under this section shall remain in effect so long as an application subject to this section may be accepted for filing by the Secretary on or before the date specified in section 505A(n).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) is amended in the second sentence—

(A) by striking ''and (F)'' and inserting ''(F)''; and

(B) by striking the period at the end and inserting '', and (G) any assessments required under section 505B.''.

(2) Section 505A(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(h)) is amended—

(A) in the subsection heading, by striking ''REGULATIONS'' and inserting ''PEDIATRIC RESEARCH REQUIREMENTS''; and

(B) by striking ''pursuant to regulations promulgated by the Secretary'' and inserting ''by a provision of law (including a regulation) other than this section''.

(3) Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) PEDIATRIC STUDIES.—A person that submits an application for a license under this paragraph shall submit to the Secretary as part of the application any assessments required under section 505B of the Federal Food, Drug, and Cosmetic Act.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ABBREVIATED NEW DRUG APPLICATION.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subparagraphs (A) and (B) of subsection (b)(2) and subparagraphs (A) and (B) of subsection (c)(2) by striking ''505(j)(4)(B)'' and inserting ''505(j)(5)(B)''.

(b) PEDIATRIC ADVISORY COMMITTEE.—

(1) Section 505A(i)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(i)(2)) is amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs'' each place it appears.

(2) Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note; Public Law 107–109) is amended—

(A) in the section heading, by striking ''**PHARMACOLOGY**'';

(B) in subsection (a), by striking ''(42 U.S.C. 217a),'' and inserting (42 U.S.C. 217a) or other appropriate authority,'';

(C) in subsection (b)—

(i) in paragraph (1), by striking ''and in consultation with the Director of the National Institutes of Health''; and

(ii) in paragraph (2), by striking ''and 505A'' and inserting ''505A, and 505B''; and

(D) by striking ''pharmacology'' each place it appears and inserting ''therapeutics''.

(3) Section 15(a)(2)(A) of the Best Pharmaceuticals for Children Act (115 Stat. 1419) is amended by striking ''Pharmacology''.

(4) Section 16(1)(C) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355a note; Public Law 107–109) is amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs''.

(5) Section 17(b)(1) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(b)(1)) is amended in the second sentence by striking ''Advisory Subcommittee of the Anti-Infective Drugs''.

(6) Paragraphs (8), (9), and (11) of section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) are amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs'' each place it appears.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act take effect October 17, 2002.

(b) NO LIMITATION OF AUTHORITY.—Neither the lack of guidance or regulations to implement this Act or the amendments made by this Act nor the pendency of the process for issuing guidance or regulations shall limit the authority of the Secretary of Health and Human Services under, or defer any requirement under, this Act or those amendments.

Mr. DEWINE. Mr. President, I rise this evening in support of the passage of this bill, the pediatric rule. Passage of this bill will be a very important step in protecting the health of our children. This bill will help keep the pediatric rule in place to help ensure the drugs we give our children when they are sick are actually tested for use by our children. The tragic reality is there are medicines on the market today that are being used by and prescribed for our Nation's children that are oftentimes not being tested for their use. It has been that way for years and years.

For many years, doctors have had to take a chance when prescribing medicines for our kids. Doctors have literally had to tell parents to cut the pill in half or in quarters to be given to a child. The doctors have used the best information they have to literally guess how much medicine to give a child. That is all they could do with the medicines; they have had to guess.

Quite frankly, these medicines have been overprescribed, underprescribed, or maybe not prescribed at all when they should have been prescribed. For example, recently the drug Paxil, which is an antidepressant, has been prescribed without being tested in children at all. Many people have heard of this drug. Many people have heard of the beneficial effects for adults with anxiety and panic disorders. What people did not know, what doctors did not know, was what we have recently found out. Recently the British Government has warned doctors to stop prescribing this drug for children, warning that the medicine increased the risk of suicide or suicidal thinking among children with depression. This action, in turn, spurred the FDA to conduct its own investigation into the safety of this drug for younger patients, resulting in a similar warning to physicians here in the United States: Don't prescribe this drug for children.

That is just one example. We have page after page of examples of drugs that have been prescribed to children in the past and once we then tested them, once the protocols were done, the testing was done, lo and behold, we found they were more effective for children than we thought. Sometimes they were not effective, sometimes the prescriptions, the amount, the dosage that had been used was too much, sometimes not enough.

The facts are these. As we all know, children are not just miniature adults. You can't just take the weight and just reduce the dosage. Kids react differently. That is why it is so important to have the testing done. Yet when Senator CHRIS DODD and I first started on this cause, 5 or 6 years ago, 80 percent of the drugs that came on the market had never been tested for children at all.

It has been over a year now since this Senate passed and the President signed into law the Best Pharmaceuticals for Children Act. The Best Act was a bill that followed the Better Pharmaceuticals for Children Act, which we passed a few years before that. That law, the Best Pharmaceuticals for Children Act, was part of the solution, just part of the solution to address the problem of getting medicines tested for use by children.

That law provides, as its predecessor bill did, a 6-month patent extension to pharmaceutical companies in exchange for the testing of medicines in children. That was a voluntary law and it has worked pretty well. For as long as the bill has been law—its predecessor was law—the Food and Drug Administration reported success in ensuring that more medicines are tested for use in children. With this economic incentive by this Best Pharmaceutical and Better Pharmaceutical bill in place, companies are seeing the value of studying their drugs in children and are applying for the patent extension, and children are benefiting.

But the Best Pharmaceuticals incentive cannot work alone. It was never intended to work alone to ensure that medicines for children are properly tested for their use. In order to ensure that no medicines needed to treat children, including vaccines or other biologics, would go untested, the FDA, in 1997, proposed what is known as the Pediatric Rule, a companion rule. The Pediatric Rule allowed the FDA to require that drugs deemed important for children be tested for their safety, for their effectiveness, and that they be properly, then, labeled for children.

Unfortunately—and this is what brings us to the Senate floor tonight to consider this bill—the Pediatric Rule came under legal challenge and was, in fact, overturned in court in October 2002, last year, by a district court. That court ruled that the FDA lacked the statutory authority to require pediatric studies.

What the court said was it was incumbent upon Congress to fix it. That is why we are here tonight. This was a troubling step backward for children's health, considering that today 75 percent of the medicines on the market still, even with the Better Pharmaceutical bill and the Best Pharmaceutical bill, still 75 percent of the medicines on the market today are not tested and labeled for pediatric use.

Without the Pediatric Rule in place, without the necessary authority provided to the FDA, new medicines and biologics coming onto the market are not required to be tested for use in kids. Since that court decision on October 17, 2002, the FDA has indicated that over 300 medicines either have applications pending or incomplete studies pending, and that unless the Pediatric Rule stays in place these will all be lost. Many more, hundreds more will be lost in the future. Pediatricians will not know how to prescribe these drugs in the future or whether to prescribe them at all.

That is why Senator CLINTON, Senator DODD, and myself introduced the bill that we hope to pass tonight. It is a bill that would codify a significant piece of the Pediatric Rule to assure that it stays in place and ensures that children will remain on safe footing when it comes to the testing of the medications that they use.

Furthermore, we need to keep the Pediatric Rule in place right now because the Pediatric Rule and incentives work together to ensure that drugs are tested for use in children.

The Best Pharmaceuticals for Children Act, as I said already, was never intended to be a substitute for the rule but, rather, to reinforce and work with the rule. For example, the Pediatric Rule may be invoked in instances where pediatric information is essential but the patent exclusivity incentive is no longer available.

The Pediatric Rule also applies to biologics, whereas the Best Pharmaceutical bill does not. A significant portion of therapeutics used in children, including many cancer treatments or biological products—by that, of course, we mean products that include a live agent. Because the Best Pharmaceutical law does not apply to biologics, the Pediatric Rule is the only way to ensure proper and effective pediatric labeling.

Finally, the Best Pharmaceutical Act is voluntary. For any number of reasons, including insufficient sales, a manufacturer simply may choose to

not conduct the necessary testing to receive additional exclusivity under the ''Best'' law, and when that happens and the drug is not tested for kids, children are the losers. But just because a drug manufacturer chooses not to study the drug in children does not mean that the drug is not critical to the proper care of your children and my children or grandchildren. Without the Pediatric Rule that is in front of us today, there is no way to guarantee that a drug that is used in the pediatric population is tested for children's use.

With the establishment of the Pediatric Rule and the financial incentives of the Best Pharmaceutical law, which will go with this, there has been a dramatic increase in the number of studies that have been undertaken. Let me quote from the Government's Response to Plaintiff's Notice of Reauthorization of FDA Modernization Act. This is the document the Government filed to defend the lawsuit against the rule.

These two options—Best Pharmaceuticals for Children Act and the Pediatric Rule—have resulted in a number of drugs being labeled for use in pediatric applications. As of March 31, 2001, 94 applications containing complete or partial pediatric use and information have been submitted to the agency. Of these 94 applications, 45 are attributable to the statutory exclusivity provision. FDA attributes 48 of the 94 applications to the authority of the pediatric rule alone.

So you can see how the two must work together, how important the rule is. Our legislation is a step toward assuring this progress that we have made so far will not erode. Our bill, as amended, provides that the FDA may only impose the pediatric study requirement for already-marketed drugs when the pediatric exclusivity incentive provisions fail to yield necessary pediatric information. This means that for already-marketed drugs, drugs that the FDA has already approved and are already on the drugstore shelf, before FDA can require a company to study the drug for use in children, the incentive provisions of the Best Pharmaceuticals law have to be used first. So the drug manufacturer has to choose to use the incentive provisions first, before FDA can invoke the pediatric study requirement.

Our bill also preserves the waiver and deferral process so that drug companies can get waivers or deferrals for a range of legitimate reasons. Waivers are a simple concept.

Drugs, such as those used to treat Alzheimer's disease—those drugs that would not be used in children at all—obviously should not be tested for use in children. Those drug manufacturers would be allowed to waive the pediatric drug study requirement.

Deferrals are similar. For drug manufacturers who require additional time to complete the drug study or need to get additional information in the adult population before beginning to study the drug in children can, in consultation with the FDA, defer the pediatric drug studies until a later date.

Again, I am very pleased that my colleagues have agreed to pass our bill. It is a vital step toward ensuring that children are no longer a therapeutic afterthought.

Our bill puts children on a level playing field with adults for the first time.

Before I yield the floor, I would like to take this opportunity to thank the many people who have worked diligently to draft this bill and to help get it passed. I would like to thank Majority Leader FRIST and Senators CLINTON, DODD, GREGG, KENNEDY, and MURRAY for their leadership on this issue. Without their support, this bill would not be a reality.

I would also like to thank Abby Kral of my staff for her dedication and hard work on this issue—she spent an unbelievable amount of time on it—as well as Christina Ho from Senator CLINTON's Staff, Ben Berwick with Senator DODD, Vince Ventimiglia with Senator GREGG's Staff, and David Dorsey with Senator KENNEDY.

Finally, I would like to recognize two groups that provided my staff and the staff of the HELP Committee with invaluable comments and insights—the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation.

Thank you all for your efforts and commitment to protecting our children's health and safety.

Mr. KENNEDY. Mr. President, this important bill guarantees that drugs and biological products used for children are tested and labeled for children. It helps assure that the miracle cures of today can be administered to our children in safe and effective ways.

I commend Senators GREGG, CLINTON, DEWINE, and DODD for their effective and tireless leadership to see this important legislation through the Senate. And it is endorsed by the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the March of Dimes, and many other organizations dedicated to children's health.

Under this legislation, drug companies will be required to prove that their drugs and biological products are safe and effective for their intended use in children. For too long, drug companies have tested their products only in adults. For years, companies only rarely tested their drugs in children, unless the drug's use was for a juvenile disease. For other drugs, the label simply said that the product had not been shown to be safe and effective in children. To use such drugs on our children was a medical gamble.

Fortunately, that practice began to change 6 years ago. In 1997, Congress authorized 6 months of ''pediatric exclusivity''—6 months of additional life of a drug patent if the company had studied the drug in children. The extra patent protection was a valuable economic incentive for drug companies to study their drugs on children, and it has been very successful in achieving that goal.

In 1998, FDA issued its Pediatric Rule, which allowed the agency to *require* a drug company to test and label certain drugs for children.

The patent exclusivity can be used once to study a drug. But the FDA rule can be used more than once, if needed, such as when the studies requested under exclusivity do not include studies in infants or newborns. In some cases, studies in older children are needed before studies can even be designed for younger children and newborn infants.

The rule can be used to require testing for biological products, which are not eligible for the extra patent exclusivity. The rule can also be used when a drug company decides not to seek extra patent exclusivity and does not study a drug in children.

Unfortunately, a Federal district court held that FDA does not have the statutory authority to issue the Pediatric Rule. Although the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation are appealing this decision, and we hope for their quick success, the Senate has now passed this legislation to correct the situation.

With this legislation, the essential protections of the rule will be codified in law: There will be a presumption that newly approved applications for new active ingredients, new indications, new dosage forms, new dosing regimens, or new routes of administration for drugs and biological products will include assessments of safety and effectiveness for all relevant pediatric subpopulations. These assessments will support dosing and administration using a pediatric formulation for all pediatric subpopulations in which the product is safe and effective. This will be a huge step forward for children, and will put them on an equal footing with adults.

In addition, many products already on the market have meaningful therapeutic benefit to children or may be used for a substantial number of children. However, the absence of adequate labeling in these products poses significant risks to pediatric patients. This legislation will allow FDA to require such products to be studied in children for its approved indication. The bill requires that FDA must first provide an opportunity for these studies to be conducted under the provisions of the Best Pharmaceuticals for Children Act. However, if a product's manufacturer does not agree promptly to perform such studies voluntarily, and if funds are not sufficient so that the NIH or the Foundation for the NIH does not contract or issue a grant for conduct of the studies within a set period of time, FDA may invoke the authority in this legislation to require the studies. Although FDA never used this authority under its Pediatric Rule, we expect FDA to use it as necessary to ensure that drugs and biological products that are already approved are studied in children when other mechanisms to get them studied fail.

This legislation, with the managers' amendment, provides FDA with clear enforcement authority to bring a seizure or injunction action when a company fails to submit a required pediatric assessment. That failure alone will make the drug or biological product misbranded.

This legislation, with the managers' amendment, clarifies that assessments required under FDA's Pediatric Rule that have not yet been submitted to FDA, whether deferred until after approval or not, are assessments required under this legislation. The legislation therefore ensures that hundreds of assessments that FDA required under its rule will be completed for the benefit of the Nation's children.

Although this legislation is a giant step forward for children, I can't help but express my disappointment that its requirements are tied to the pediatric exclusivity provision that sunsets in 2007. Adults are guaranteed that new drugs will be reviewed for safety and effectiveness for them before they are approved by the FDA. Our Nation's children deserve no less. They should not have to come back in 4 years to plead for the right to safe and effective medicines.

Again, I commend my colleagues for reaching bipartisan agreement on this important initiative for children. I urge the House to act promptly to pass this bill so that children may quickly be protected by this legislation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the Gregg amendment be agreed to, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements and colloquies relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment (No. 1360) was agreed to, as follows:

AMENDMENT NO. 1360

On page 14, line 18, after ''misbranded'', insert ''solely because of that failure''.

On page 19, strike lines 5 and 6 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) APPLICABILITY TO NEW DRUGS AND BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act (as added by section 2) shall apply to an application described in paragraph (1) of that subsection submitted to the Secretary of Health and Human Services on or after April 1, 1999.

(2) WAIVERS AND DEFERRALS.—

(A) WAIVER OR DEFERRAL GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, a waiver or deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the waiver or deferral shall be a waiver or deferral under subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act, except that any date specified in such a deferral shall be extended by the number of days that is equal to the number of days between October 17, 2002, and the date of enactment of this Act.

(B) WAIVER AND DEFERRAL NOT GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, neither a waiver nor deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the person that submitted the application shall be required to submit assessments under subsection (a)(2) of section 505B of the Federal Food, Drug, and Cosmetic Act on the date that is the later of—

(i) the date that is 1 year after the date of enactment of this Act; or

(ii) such date as the Secretary may specify under subsection (a)(3) of that section;

unless the Secretary grants a waiver under subsection (a)(4) of that section.

On page 19, line 7, strike ''(b)'' and insert ''(c)''.

PEDIATRICS RESEARCH AUTHORITY

Mr. GREGG. Mr. President, I rise to speak to a managers' amendment to S. 650, the Pediatric Research Equity Act. This amendment makes improvements to the legislation as reported out of the Committee on Health, Education, Labor and Pensions in June. Because these improvements were made after the committee report was filed, this statement is intended to serve as the committee's views on the amended legislation. This statement was shared with the other committee members and has their concurrence.

Mr. KENNEDY. Mr. President, the Democratic sponsors of the bill and I concur with this statement.

Mr. GREGG. Mr. President, the purpose of this legislation is to provide FDA with statutory authority to require pediatric studies in specified circumstances. In October 2002, a Federal district court held that existing law did not provide FDA the authority to issue a regulation requiring pediatric studies for drugs marketed to adults but important to children. Although this decision is being appealed, this legislation will provide the agency with definitive statutory authority to require pediatric studies of new and already marketed drugs and biologics in the circumstances specified in the legislation and to enforce any violations of those requirements in Federal court. This has always been the intent of S. 650. After the legislation was marked up in committee, the managers of the bill agreed to amend the language in section 505B(d) to make this intent even clearer.

The enforcement mechanism in section 505B(d) provides that if a person fails to submit an assessment described in subsection (a)(2) or a request for approval of a pediatric formulation described in subsection (a) or (b) under the new law, ''the drug or biological product that is the subject of the assessment or request may be considered misbranded solely because of such failure.'' This language confers on the Secretary authority to bring a misbranding action where a violation has occurred.

The committee has used the language ''may be considered'' (misbranded) rather than the traditional ''shall be deemed to be'' (misbranded) that is used in other provisions of the Federal Food, Drug and Cosmetic Act in order to emphasized that the Secretary may exercise traditional enforcement discretion in deciding whether to bring such an action. The Committee recognizes that the Secretary retains that discretion under other provisions of current law that use the ''shall'' formulation. Nevertheless, the Committee intends for this authority to be interpreted by the courts and to be implemented by FDA in a manner consistent with the agency's enforcement authorities in current law that use the ''shall'' formulation.

As is true with other provisions of current law, once the Secretary decides to initiate an enforcement action under section 505B(d), no formal finding or other proceeding is required. Moreover, it is not necessary for the Secretary to identify any other misbranding authority in the act. The new authority conferred by section 505B(d) is sufficient. For example, the failure of a sponsor to submit pediatric studies in accordance with the requirements of the legislation alone would be a sufficient basis to prosecute an action in federal district court.

The managers of the bill have agreed to the extraordinary retroactive application of the provisions of the new research authority in order to avoid even greater potential harm to children through the loss of research and agency resources should assessments, waivers, and deferrals under the Pediatric Rule be considered invalid following the recent district court decision invalidating the rule. This application should not be considered approval of the agency's interpretation of its authority nor disagreement of the court's ruling. In the extraordinary situation at hand, the managers' amendment modifies the effective date provision of the legislation to ensure a seamless transition of the pediatric study requirement from the Pediatric rule to this legislation. The intent is that waivers and deferrals of the study requirement previously granted under the rule be deemed to be in effect under the legislation. A sponsor that received a deferral under the rule would have the original deferral date extended by the number of days between October 17, 2002, and the date of enactment of this legislation.

A sponsor that submitted an application in the time period between April 1, 1999, and the date of enactment of this legislation that was not granted a waiver or deferral under the rule would be required to submit pediatric assessments unless granted a waiver by FDA. However, no submission by a sponsor would be due until 12 months after the date of enactment of this legislation or until a date specified by FDA under section 505B(a)(3), whichever is later.

Mr. KENNEDY. Mr. President, Although I and the Democratic sponsors

of the bill disagree with the chairman's view that the agency lacked the authority to promulgate the Pediatric Rule and his view that the Federal district court ruling invalidating the rule was correct, we do agree with the chairman's statements regarding the need to apply the requirements of this legislation retroactively to ensure that no pediatric studies are lost in the transition from the rule to this legislation.

Mr. GREGG. Mr. President, S. 650 provides FDA the statutory authority to require that new and already marketed drugs and biological products be studied in children in specified circumstances. This authority is intended to work in a complementary fashion with pediatric exclusivity. With regard to already marketed products, S. 650 provides that FDA require pediatric testing only after pediatric exclusivity and the National Institutes of Health grant and contract provisions contained in sections 409I and 499 of the Public Health service Act have failed to produce the necessary studies. However, nothing in S. 650 requires FDA to wait until the voluntary mechanisms have failed or been exhausted before invoking the pediatric studies requirement for new drug applications under section 505 of the Federal Food, drug and Cosmetic Act or biological license applications under section 351 of the Public Health service Act. On the contrary, S. 650 creates the presumption that new drugs and biologics will be studied before approval unless a waiver or deferral is granted.

Mr. KENNEDY. Mr. President, I agree with the Senator. Does he agree as well, that, in accordance with the plain language of the legislation, FDA shall grant a waiver of the requirement to submit pediatric assessments only if the applicant certifies and the Secretary finds that the conditions specified in 505B(a)(4) and 505B(b)(2) exist? By using the word ''including'' before listing the circumstances under which FDA shall grant a full or partial waiver in the committee report for S. 650, the committee does not intend that any conditions or circumstances other than those specifically stated in 505B(a)(4) and 505B(b)(2) serve as the basis for FDA granting a full or partial waiver of the requirements of the legislation.

Mr. GREGG. Mr. President, I do, and I thank the Senator for his work on this bill and the report.

The bill (S. 650), as amended, was read the third time and passed as follows:

S. 650

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 ''Pediatric Research Equity Act of 2003''.

SEC. 2. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505A the following:

''SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

''(a) NEW DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—A person that submits an application (or supplement to an application)—

''(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration; or

''(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration;

shall submit with the application the assessments described in paragraph (2).

''(2) ASSESSMENTS.—

''(A) IN GENERAL.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

''(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

''(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

''(B) SIMILAR COURSE OF DISEASE OR SIMILAR EFFECT OF DRUG OR BIOLOGICAL PRODUCT.—

''(i) IN GENERAL.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

''(ii) EXTRAPOLATION BETWEEN AGE GROUPS.—A study may not be needed in each pediatric age group if data from 1 age group can be extrapolated to another age group.

''(3) DEFERRAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

''(A) the Secretary finds that—

''(i) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

''(ii) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

''(iii) there is another appropriate reason for deferral; and

''(B) the applicant submits to the Secretary—

''(i) certification of the grounds for deferring the assessments;

''(ii) a description of the planned or ongoing studies; and

''(iii) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time.

''(4) WAIVERS.—

''(A) FULL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

''(iii) the drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

''(II) is not likely to be used in a substantial number of pediatric patients.

''(B) PARTIAL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii) the drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(b) MARKETED DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—After providing notice in the form of a letter and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) if the Secretary finds that—

''(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

''(ii) the absence of adequate labeling could pose significant risks to pediatric patients; or

''(B)(i) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; and

''(ii) the absence of adequate labeling could pose significant risks to pediatric patients.

''(2) WAIVERS.—

''(A) FULL WAIVER.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

''(ii) there is evidence strongly suggesting that the drug or biological product would be

ineffective or unsafe in all pediatric age groups.

''(B) PARTIAL WAIVER.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii)(I) the drug or biological product—

''(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

''(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(3) RELATIONSHIP TO OTHER PEDIATRIC PROVISIONS.—

''(A) NO ASSESSMENT WITHOUT WRITTEN REQUEST.—No assessment may be required under paragraph (1) for a drug subject to an approved application under section 505 unless—

''(i) the Secretary has issued a written request for a related pediatric study under section 505A(c) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m);

''(ii)(I) if the request was made under section 505A(c)—

''(aa) the recipient of the written request does not agree to the request; or

''(bb) the Secretary does not receive a response as specified under section 505A(d)(4)(A); or

''(II) if the request was made under section 409I of the Public Health Service Act (42 U.S.C. 284m)—

''(aa) the recipient of the written request does not agree to the request; or

''(bb) the Secretary does not receive a response as specified under section 409I(c)(2) of that Act; and

''(iii)(I) the Secretary certifies under subparagraph (B) that there are insufficient funds under sections 409I and 499 of the Public Health Service Act (42 U.S.C. 284m, 290b) to conduct the study; or

''(II) the Secretary publishes in the Federal Register a certification that certifies that—

''(aa) no contract or grant has been awarded under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b); and

''(bb) not less than 270 days have passed since the date of a certification under subparagraph (B) that there are sufficient funds to conduct the study.

''(B) NO AGREEMENT TO REQUEST.—Not later than 60 days after determining that no holder will agree to the written request (including a determination that the Secretary has not received a response specified under section 505A(d) of this Act or section 409I of the Public Health Service Act (42 U.S.C. 284m), the Secretary shall certify whether the Secretary has sufficient funds to conduct the study under section 409I or 499 of the Public Health Service Act (42 U.S.C. 284m, 290b), taking into account the prioritization under section 409I.

''(c) MEANINGFUL THERAPEUTIC BENEFIT.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B)(i) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary estimates that—

''(1) if approved, the drug or biological product would represent a significant improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

''(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

''(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

''(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

''(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

''(A) to withdraw approval for a drug under section 505(e); or

''(B) to revoke the license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262).

''(e) MEETINGS.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

''(1) information that the sponsor submits on plans and timelines for pediatric studies; or

''(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

''(f) SCOPE OF AUTHORITY.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

''(g) ORPHAN DRUGS.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section 526.

''(h) INTEGRATION WITH OTHER PEDIATRIC STUDIES.—The authority under this section shall remain in effect so long as an application subject to this section may be accepted for filing by the Secretary on or before the date specified in section 505A(n).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) is amended in the second sentence—

(A) by striking ''and (F)'' and inserting ''(F)''; and

(B) by striking the period at the end and inserting '', and (G) any assessments required under section 505B.''.

(2) Section 505A(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(h)) is amended—

(A) in the subsection heading, by striking ''REGULATIONS'' and inserting ''PEDIATRIC RESEARCH REQUIREMENTS''; and

(B) by striking ''pursuant to regulations promulgated by the Secretary'' and inserting ''by a provision of law (including a regulation) other than this section''.

(3) Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) PEDIATRIC STUDIES.—A person that submits an application for a license under this paragraph shall submit to the Secretary as part of the application any assessments required under section 505B of the Federal Food, Drug, and Cosmetic Act.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ABBREVIATED NEW DRUG APPLICATION.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subparagraphs (A) and (B) of subsection (b)(2) and subparagraphs (A) and (B) of subsection (c)(2) by striking ''505(j)(4)(B)'' and inserting ''505(j)(5)(B)''.

(b) PEDIATRIC ADVISORY COMMITTEE.—

(1) Section 505A(i)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(i)(2)) is amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs'' each place it appears.

(2) Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note; Public Law 107–109) is amended—

(A) in the section heading, by striking ''**PHARMACOLOGY**'';

(B) in subsection (a), by striking ''(42 U.S.C. 217a),'' and inserting (42 U.S.C. 217a) or other appropriate authority,'';

(C) in subsection (b)—

(i) in paragraph (1), by striking ''and in consultation with the Director of the National Institutes of Health''; and

(ii) in paragraph (2), by striking ''and 505A'' and inserting ''505A, and 505B''; and

(D) by striking ''pharmacology'' each place it appears and inserting ''therapeutics''.

(3) Section 15(a)(2)(A) of the Best Pharmaceuticals for Children Act (115 Stat. 1419) is amended by striking ''Pharmacology''.

(4) Section 16(1)(C) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355a note; Public Law 107–109) is amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs''.

(5) Section 17(b)(1) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(b)(1)) is amended in the second sentence by striking ''Advisory Subcommittee of the Anti-Infective Drugs''.

(6) Paragraphs (8), (9), and (11) of section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) are amended by striking ''Advisory Subcommittee of the Anti-Infective Drugs'' each place it appears.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) APPLICABILITY TO NEW DRUGS AND BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act (as added by section 2) shall apply to an application described in paragraph (1) of that subsection submitted to the Secretary of Health and Human Services on or after April 1, 1999.

(2) WAIVERS AND DEFERRALS.—

(A) WAIVER OR DEFERRAL GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services

between April 1, 1999, and the date of enactment of this Act, a waiver or deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the waiver or deferral shall be a waiver or deferral under subsection (a) of section 505B of the Federal Food, Drug, and Cosmetic Act, except that any date specified in such a deferral shall be extended by the number of days that is equal to the number of days between October 17, 2002, and the date of enactment of this Act.

(B) WAIVER AND DEFERRAL NOT GRANTED.—If, with respect to an application submitted to the Secretary of Health and Human Services between April 1, 1999, and the date of enactment of this Act, neither a waiver nor deferral of pediatric assessments was granted under regulations of the Secretary then in effect, the person that submitted the application shall be required to submit assessments under subsection (a)(2) of section 505B of the Federal Food, Drug, and Cosmetic Act on the date that is the later of—

(i) the date that is 1 year after the date of enactment of this Act; or

(ii) such date as the Secretary may specify under subsection (a)(3) of that section;

unless the Secretary grants a waiver under subsection (a)(4) of that section.

(c) NO LIMITATION OF AUTHORITY.—Neither the lack of guidance or regulations to implement this Act or the amendments made by this Act nor the pendency of the process for issuing guidance or regulations shall limit the authority of the Secretary of Health and Human Services under, or defer any requirement under, this Act or those amendments.

Mr. DODD. Mr. President, I rise today to applaud my colleagues for passing the Pediatric Research Equity Act of 2003, and to thank all of those who have worked so hard on this issue. This legislation represents a truly bipartisan compromise, and I deeply appreciate the commitment to this issue shown by Senators DEWINE, CLINTON, GREGG, and KENNEDY. I also acknowledge the invaluable role played by the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation.

Quite simply, this legislation will make our children safer. It will ensure that they have access to prescription drugs that have been properly evaluated for their use. It will remove the guesswork often done by pediatricians about what drugs are appropriate for a child, and in what dosages. And it will accomplish all of this by codifying into statutory language a tool that has already been shown to be effective: the Pediatric Rule.

The Pediatric Rule went into effect in April of 1999 and was intended to work in conjunction with a voluntary incentives program that Congress passed in 1997 and was reauthorized last year. Both the incentives program and the rule were put into place to address an unmet need that had potentially serious consequences to the health of children.

Children are not just small versions of adults when it comes to drugs. Some drugs that are completely safe for adults may be very harmful to children. In addition, some needed drugs are not available in a formulation that a child can take, such as a liquid or chewable tablet. Finally, the appropriate dosage for a child cannot be determined simply by extrapolating from adults. Yet, until the rule and the incentives program were enacted, this is exactly what pediatricians were forced to do. Roughly 75 percent of all prescription drugs on the market today have never been properly tested for safe use by children.

As a result, children have suffered needlessly. For example, new tests on the epilepsy drug Neurontin have shown that higher dosages than expected are needed for children under 5. For years, pediatricians simply believed that Neurontin was a drug that was ineffective for children.

In 1997, Congress enacted legislation, introduced by Senator DEWINE and myself, to provide drug companies with an economic incentive to test their products to ensure their safety in children. This was followed by enactment of the Pediatric Rule in 1999, which worked with the incentive by giving the Food and Drug Administration (FDA) the authority to require that drugs and biologics important to children be tested and formulated for their use.

Working as complements to each other, the rule and the incentive provided tremendous results. Between April 1999 and March 2002, research was completed on the safety and effectiveness in children of roughly 100 days. These medicines were for the treatment of, among other things, HIV/AIDS, diabetes, asthma pain and arthritis. In addition, studies of hundreds more drugs are in the pipeline.

But continued success of this magnitude is dependent on the existence of both the rule and the incentive program. FDA has stated that approximately half of the completed studies were due to the authority provided by the Pediatric Rule.

Unfortunately, in October of last year, the U.S. District Court for the District of Columbia ruled that FDA does not have the authority to enforce the rule. This decision represented a step backwards for children's health. We can hardly afford to do without the rule when we still do not have necessary information for kids for a majority of the medicines on the market.

The legislation that we passed today will give the FDA clear authority to require that drugs be tested and formulated for children. Companies should continue to have access to voluntary incentives, but the rule must be in place to ensure that as many products as possible are studied for use in children.

For example, the rule captures a class of products, specifically biologics, for which market exclusivity incentives do not apply. There are a number of biologic products used to treat cancer in children for which information about their specific use—safety and efficacy—in kids would be vital. Only the rule would apply here.

The rule can also be applied as needed during the life of a drug as more information is required. For example, if a new use of a drug is discovered and safety or dosing information for that new use is needed. Exclusivity can only be applied once, even if an important new use for a product is found. Also, because the incentives are voluntary, for any number of reasons a manufacturer may choose not to conduct the necessary testing. Without the rule there is no way to guarantee that a drug that may be critically important to children's health is tested.

I would be remiss if I did not mention one provision in this legislation with which I disagree. As a result of this provision, the authority that we clearly provide to FDA with this bill will sunset in 2007. While I believe that FDA has the authority to enforce the rule even without this legislation, that has clearly been called into question given the District Court ruling. Therefore, it is imperative that we unequivocally and permanently provide the FDA with statutory authority to require pediatric testing. Unfortunately, as it now stands that critical authority will expire in 2007 unless reauthorized.

It is my view that such a reauthorization should not be necessary. We take it for granted that studies will be done to assure that the drugs that adults use are safe and effective. Why should the assumption be any different for children? FDA should always have the authority to make sure that the drugs that kids use have been tested for their use. This is not something that Congress should have to reauthorize every 5 years. Kids should not have to come back to Congress every 5 years to fight for the basic right to safe drugs.

Despite my concern with the sunset provision, I strongly support this bill. The voluntary program has been a huge success, but its limitations can be addressed by passage of this legislation. Simply put, taking any tool off the table that promotes pediatric testing is at odds with our overarching goal of ensuring that medicines are safe and available for our children. That is why we must protect the rule and ensure that our efforts for kids will not be diminished. The Pediatric Research Equity Act of 2003 will do exactly that.

I sincerely hope that the House will pass this bill as soon as possible, preferably without any changes so that we can send it to the President to be signed into law without delay.

Mrs. CLINTON. Mr. President, I rise to mark the passage on the Senate floor of a bill, S. 650, that will assure the safety and efficacy of medicines for children, and address a problem that pediatricians, parents, and children's advocates have worked on for decades. A great deal of work went into this bill. So many hardworking, dedicated Senators made the effort on a bipartisan basis to come together around this important issue. In particular I want to thank Senators DEWINE, DODD, GREGG, and KENNEDY. Senators DEWINE and DODD and I now have worked on pediatric research for many years, and we

will continue to be around to work on behalf of children, who, without dedicated advocates like Senators DEWINE and DODD, would not have a political voice.

Last year this bill was passed out of committee but held up on the floor toward the end of session. Unfortunately, that meant no backstop was in place to assure the continuation of a minimum baseline protection for children when last October, a District Court judge struck down the 1998 FDA Pediatric Rule, based on his view that Congress did not intend to charge FDA with making sure our children are protected. Today, we pass legislation to clarify that FDA authority to assure safe, effective medicines for children is exactly what we intend.

This bill was the product of compromise. We all worked hard and made concessions on all sides to craft the language the Senate was able to pass today. Some of us would have preferred a strong, permanent assurance for children, and not a sunset of these crucial protections in 2007. Indeed, because the purpose of this legislation was to address the uncertainty caused by the court-triggered lapse of pediatric studies, not codify such a lapse into statute, I cannot support the sunset provision.

But others may have wished to change other aspects of the bill. So we were able to give on each side for the sake of moving forward on a central accomplishment providing FDA with undisputed, unencumbered authority to require and enforce studies of whether medicines important for children are also safe and effective for children. Our managers' amendment and the colloquy we submitted today reinforce that as the goal we all share here today in passing this language.

I want to take a moment to bring special attention to the amount of work and cooperation that the chair and ranking member of Senate Health Education, Labor, and Pensions Committee have dedicated to this bill, both last Congress and this Congress. Senator GREGG and Senator KENNEDY, and both their staffs, Vince Ventimiglia, and David Dorsey have lent their expertise and their time to this issue. Senator DEWINE's staff, Abby Kral, and Senator DODD's staff, Ben Berwick this year, Debra Barrett last year, have been more dedicated than anyone on this issue.

I particularly want to acknowledge the outside experts who have devoted so much time to advocating on behalf of children and making this proposal a reality. The American Academy of Pediatricians, Elaine Vining here in DC and all the pediatricians across the country, have been championing this issue for so long. Also, Mark Isaac and Jeanne Ireland at the Elizabeth Glaser Pediatric AIDS Foundation have been tireless in their efforts. The children's hospitals, and so many others cannot be thanked enough. We would not be here today without their passionate advocacy. I also appreciate working with Phrma to get to this point and hope to continue to work with them in order to move this bill quickly into law.

NATIVE AMERICAN ALCOHOL AND SUBSTANCE ABUSE PROGRAM CONSOLIDATION ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 143, S. 285.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 285) to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 285

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 ''Native American Alcohol and Substance Abuse Program Consolidation Act of 2003''.

[SEC. 2. PURPOSES.

[The purposes of this Act are—

[(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with mental health, alcohol, or other substance abuse problems;

[(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

[(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

[(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for technology for an automated clinical information ystem that incorporates clinical, financial, and reporting capabilities for Indian behavioral health care programs;

[(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

[(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs; and

[(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) AUTOMATED CLINICAL INFORMATION SYSTEM.—The term ''automated clinical information system'' means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

[(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

[(3) INDIAN.—The term ''Indian'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[(4) INDIAN BEHAVIORAL HEALTH CARE PROGRAM.—The term ''Indian behavioral health care program'' means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

[(A) mental health problems; or

[(B) alcohol or other substance abuse problems.

[(5) INDIAN TRIBE.—

[(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

[(B) INCLUSIONS.—The term ''Indian tribe'', in a case in which an intertribal consortium, tribal organization, or Indian health center is authorized to carry out 1 or more programs, services, functions, or activities of an Indian tribe under this Act, includes the intertribal consortium, tribal organization, or Indian health center.

[(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

[(7) SUBSTANCE ABUSE.—The term ''substance abuse'' includes—

[(A) the illegal use or abuse of a drug or an inhalant; and

[(B) the abuse of tobacco or a related product.

[SEC. 4. PLANS.

[The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, on receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the Indian tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the Indian tribe in a manner that integrates the program services into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

[SEC. 5. PROGRAMS AFFECTED.

[Programs that may be integrated in a demonstration project described in section 4 are—

[(1) an Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

[(2) an Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

[(A)(i) the Indian tribe provides notice to the appropriate agency regarding the intentions of the Indian tribe to include the Indian behavioral health care program in the plan that the Indian tribe submits to the Secretary; and

[(ii) the agency consents to the inclusion of the grant in the plan; or

[(B)(i) the Indian tribe elects to include the Indian behavioral health care program in the plan; and

[(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

[(3) an Indian behavioral health care program under which an Indian tribe is eligible to receive funds under any other funding scheme.

[SEC. 6. PLAN REQUIREMENTS.

[A plan of an Indian tribe submitted under section 4 shall—

[(1) identify the programs to be integrated;

[(2) be consistent with this Act;

[(3) describe a comprehensive strategy that—

[(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the service area of the Indian tribe; and

[(B) may include site and technology assessments and any necessary computer hardware installation and support;

[(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan (including, if implemented, the manner and expected results of implementation of an automated clinical information system);

[(5) identify the projected expenditures under the plan in a single budget;

[(6) identify the agency or agencies in the Indian tribe to be involved in the delivery of the services integrated under the plan;

[(7) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe requests be waived in order to implement the plan; and

[(8) be approved by the governing body of the Indian tribe.

[SEC. 7. PLAN REVIEW.

[(a) CONSULTATION.—On receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with—

[(1) the head of each Federal agency providing funds to be used to implement the plan; and

[(2) the Indian tribe.

[(b) IDENTIFICATION OF WAIVERS.—Each party consulting on the implementation of a plan under section 4 shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures that the party determines to be necessary to enable the Indian tribe to implement the plan.

[(c) WAIVERS.—Notwithstanding any other provision of law, the head of a Federal agency may waive any statutory requirement, regulation, policy, or procedure promulgated by the Federal agency is identified by the Indian tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that a waiver is inconsistent with—

[(1) this Act;

[(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs; and

[(3) any underlying statutory objective or purpose of a program to be consolidated under the plan, to such a degree as would render ineffectual activities funded under the program.

[SEC. 8. PLAN APPROVAL.

[(a) IN GENERAL.—Not later than 90 days after the date of receipt by the Secretary of a plan under section 4, the Secretary shall inform the Indian tribe that submitted the plan, in writing, of the approval or disapproval of the plan (including any request for a waiver that is made as part of the plan).

[(b) DISAPPROVAL.—

[(1) IN GENERAL.—The Secretary may disapprove a plan if—

[(A) the plan does not provide sufficient information for the Secretary to adequately review the plan for compliance with this Act;

[(B) the plan does not comply with this Act;

[(C) the plan provides for the purchase, lease, license, or training for, an automated clinical information system, but the purchase, lease, license, or training would require aggregate expenditures of program funding at such a level as would render other program substantially ineffectual; or

[(D)(i) the plan identifies waivers that cannot be waived under section 7(c); and

[(ii) the plan would be rendered substantially ineffectual without the waivers.

[(2) NOTICE.—If a plan is disapproved under subsection (a), the Secretary shall—

[(A) inform the Indian tribe, in writing, of the reasons for the disapproval; and

[(B) provide the Indian tribe an opportunity—

[(i) to amend and resubmit the plan; or

[(ii) to petition the Secretary to reconsider the disapproval (including reconsidering the disapproval of any waiver requested by the Indian tribe).

[SEC. 9. USE OF FUNDS FOR TECHNOLOGY.

[Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project described in section 4, the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for technology for an automated clinical information system if the purchase, lease, licensing of, or provision of training is conducted in accordance with a plan approved by the Secretary under section 8.

[SEC. 10. FEDERAL RESPONSIBILITIES.

[(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

[(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into a memorandum of agreement providing for the implementation of the plans approved under section 8.

[(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

[(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

[(A) the development of a single reporting format—

[(i) relating to each plan for a demonstration project submitted under section 4, which shall be used by an Indian tribe to report activities carried out under the plan; and

[(ii) relating to the projected expenditures for the individual plan, which shall be used by an Indian tribe to report all plan expenditures;

[(B) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

[(C) the provision of, or arrangement for provision of, technical assistance to an Indian tribe that is appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the Indian tribe participating in the project (except that an Indian tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider); and

[(D) the convening by an appropriate official of the lead agency (who shall be an official appointed by and with the advice and consent of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting at least twice during each fiscal year, for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

[(b) REPORT REQUIREMENTS.—

[(1) IN GENERAL.—The single reporting formats described in subsection (a)(3)(A) shall be developed by the Secretary in accordance with this Act.

[(2) INFORMATION.—The single reporting format, together with records maintained on the consolidated program at the tribal level, shall contain such information as the Secretary determines will—

[(A) allow the Secretary to determine whether the Indian tribe has complied with the requirements incorporated in the approved plan of the Indian tribe; and

[(B) provide assurances to the Secretary that the Indian tribe has complied with all—

[(i) applicable statutory requirements; and

[(ii) applicable regulatory requirements that have not been waived.

[SEC. 11. NO REDUCTION IN AMOUNTS.

[In no case shall the amount of Federal funds available to an Indian tribe involved in any project under this Act be reduced as a result of the enactment of this Act.

[SEC. 12. INTERAGENCY FUND TRANSFERS.

[The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, may take such action as is necessary to provide for the interagency transfer of funds otherwise available to an Indian tribe in order to carry out this Act.

[SEC. 13. ADMINISTRATION OF FUNDS; EXCESS FUNDS.

[(a) ADMINISTRATION OF FUNDS.—

[(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination by the Secretary that funds made available for specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under the program.

[(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section requires an Indian tribe—

[(A) to maintain separate records tracing any service provided or activity conducted under the approved plan of the Indian tribe to the individual programs under which funds were authorized; or

[(B) to allocate expenditures among individual programs.

[(b) EXCESS FUNDS.—With respect to administrative costs of carrying out the approved plan of an Indian tribe under this Act—

[(1) all administrative costs under the approved plan may be commingled;

[(2) an Indian tribe that carries out a demonstration program under such an approved plan shall be entitled to receive reimbursement for the full amount of those costs in accordance with regulations of each program or department; and

[(3) if the Indian tribe, after paying administrative costs associated with carrying out the approved plans, realizes excess administrative funds, those funds shall not be counted for Federal audit purposes if the excess funds are used for the purposes provided for under this Act.

[SEC. 14. FISCAL ACCOUNTABILITY.

[Nothing in this Act affects the authority of the Secretary or the lead agency to safeguard Federal funds in accordance with chapter 75 of title 31, United States Code.

[SEC. 15. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

[(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a preliminary report that describes the implementation of this Act.

[(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a final report that—

[(1) describes the results of implementation of this Act; and

[(2) identifies statutory barriers to the ability of Indian tribes to integrate more effectively alcohol and substance abuse services in a manner consistent with this Act.

[SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

[Any State with an alcohol and substance abuse or mental health program targeted toward Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, determines to be appropriate to help ensure the success of the program.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Alcohol and Substance Abuse Program Consolidation Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTEGRATION AND CONSOLIDATION OF ALCOHOL AND SUBSTANCE ABUSE PROGRAMS AND SERVICES

Sec. 101. Purposes.
Sec. 102. Definitions.
Sec. 103. Plans.
Sec. 104. Programs affected.
Sec. 105. Plan requirements.
Sec. 106. Plan review.
Sec. 107. Plan approval.
Sec. 108. Use of funds for technology.
Sec. 109. Federal responsibilities.
Sec. 110. No reduction in amounts.
Sec. 111. Interagency fund transfers.
Sec. 112. Administration of funds; excess funds.
Sec. 113. Fiscal accountability.
Sec. 114. Report on statutory and other barriers to integration.
Sec. 115. Assignment of Federal personnel to State Indian alcohol and drug treatment or mental health programs.

TITLE II—REAUTHORIZATION OF CERTAIN INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Sec. 201. Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
Sec. 202. Effective date.

TITLE I—INTEGRATION AND CONSOLIDATION OF ALCOHOL AND SUBSTANCE ABUSE PROGRAMS AND SERVICES

SEC. 101. PURPOSES.

The purposes of this title are—

(1) to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis, and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Indians afflicted with mental health, alcohol, or other substance abuse problems;

(2) to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis, and treatment programs for their communities, consistent with the policy of self-determination;

(3) to encourage and facilitate the implementation of an automated clinical information system to complement the Indian health care delivery system;

(4) to authorize the use of Federal funds to purchase, lease, license, or provide training for technology for an automated clinical information system that incorporates clinical, financial, and reporting capabilities for Indian behavioral health care programs;

(5) to encourage quality assurance policies and procedures, and empower Indian tribes through training and use of technology, to significantly enhance the delivery of, and treatment results from, Indian behavioral health care programs;

(6) to assist Indian tribes in maximizing use of public, tribal, human, and financial resources in developing effective, understandable, and meaningful practices under Indian behavioral health care programs;

(7) to encourage and facilitate timely and effective analysis and evaluation of Indian behavioral health care programs; and

(8) to reauthorize certain Indian alcohol and substance abuse prevention and treatment programs.

SEC. 102. DEFINITIONS.

In this title:

(1) AUTOMATED CLINICAL INFORMATION SYSTEM.—The term ''automated clinical information system'' means an automated computer software system that can be used to manage clinical, financial, and reporting information for Indian behavioral health care programs.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(3) INDIAN.—The term ''Indian'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INDIAN BEHAVIORAL HEALTH CARE PROGRAM.—The term ''Indian behavioral health care program'' means a federally funded program, for the benefit of Indians, to prevent, diagnose, or treat, or enhance the ability to prevent, diagnose, or treat—

(A) mental health problems; or

(B) alcohol or other substance abuse problems.

(5) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

(B) INCLUSIONS.—The term ''Indian tribe'', in a case in which an intertribal consortium, tribal organization, or Indian health center is authorized to carry out 1 or more programs, services, functions, or activities of an Indian tribe under this Act, includes the intertribal consortium, tribal organization, or Indian health center.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(7) SUBSTANCE ABUSE.—The term ''substance abuse'' includes—

(A) the illegal use or abuse of a drug or an inhalant; and

(B) the abuse of tobacco or a related product.

SEC. 103. PLANS.

The Secretary, in cooperation with the Secretary of Labor, the Secretary of the Interior, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation, as appropriate, shall, on receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the Indian tribe to carry out a demonstration project to coordinate, in accordance with the plan, the Indian behavioral health care programs of the Indian tribe in a manner that integrates the program services into a single, coordinated, comprehensive program that uses, to the extent necessary, an automated clinical information system to better manage administrative and clinical services, costs, and reporting requirements through the consolidation and integration of administrative and clinical functions.

SEC. 104. PROGRAMS AFFECTED.

Programs that may be integrated in a demonstration project described in section 103 are—

(1) an Indian behavioral health care program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula;

(2) an Indian behavioral health care program under which an Indian tribe is eligible for receipt of funds through competitive or other grants, if—

(A)(i) the Indian tribe provides notice to the appropriate agency regarding the intentions of the Indian tribe to include the Indian behavioral health care program in the plan that the Indian tribe submits to the Secretary; and

(ii) the agency consents to the inclusion of the grant in the plan; or

(B)(i) the Indian tribe elects to include the Indian behavioral health care program in the plan; and

(ii) the administrative requirements contained in the plan are essentially the same as the administrative requirements applicable to a grant under the Indian behavioral health care program; and

(3) an Indian behavioral health care program under which an Indian tribe is eligible to receive funds under any other funding scheme.

SEC. 105. PLAN REQUIREMENTS.

A plan of an Indian tribe submitted under section 103 shall—

(1) identify the programs to be integrated;

(2) be consistent with this title;

(3) describe a comprehensive strategy that—

(A) identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the service area of the Indian tribe; and

(B) may include site and technology assessments and any necessary computer hardware installation and support;

(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan (including, if implemented, the manner and expected results of implementation of an automated clinical information system);

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies in the Indian tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe requests be waived in order to implement the plan; and

(8) be approved by the governing body of the Indian tribe.

SEC. 106. PLAN REVIEW.

(a) CONSULTATION.—On receipt of a plan from an Indian tribe under section 103, the Secretary shall consult with—

(1) the head of each Federal agency providing funds to be used to implement the plan; and

(2) the Indian tribe.

(b) IDENTIFICATION OF WAIVERS.—Each party consulting on the implementation of a plan under section 101 shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures that the party determines to be necessary to enable the Indian tribe to implement the plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the head of a Federal agency may waive any statutory requirement, regulation, policy, or procedure promulgated by the

Federal agency that has been identified by the Indian tribe or the Federal agency under subsection (b) unless the head of the affected Federal agency determines that such a waiver is inconsistent with—

(1) this title;

(2) any statutory requirement applicable to the program to be integrated under the plan that is specifically applicable to Indian programs; and

(3) any underlying statutory objective or purpose of a program to be consolidated under the plan, to such a degree as would render ineffectual activities funded under the program.

SEC. 107. PLAN APPROVAL.

(a) IN GENERAL.—Not later than 90 days after the date of receipt by the Secretary of a plan under section 103, the Secretary shall inform the Indian tribe that submitted the plan, in writing, of the approval or disapproval of the plan (including any request for a waiver that is made as part of the plan).

(b) DISAPPROVAL.—

(1) IN GENERAL.—The Secretary may disapprove a plan if—

(A) the plan does not provide sufficient information for the Secretary to adequately review the plan for compliance with this title (including with respect to information regarding the timing, availability, and receipt of all program funding to be consolidated or integrated);

(B) the plan does not comply with this title;

(C) the plan provides for the purchase, lease, license, or training for, an automated clinical information system, but the purchase, lease, license, or training would require aggregate expenditures of program funding at such a level as would render other program substantially ineffectual; or

(D)(i) the plan identifies waivers that cannot be waived under section 106(c); and

(ii) the plan would be rendered substantially ineffectual without the waivers.

(2) NOTICE.—If a plan is disapproved under subsection (a), the Secretary shall—

(A) inform the Indian tribe, in writing, of the reasons for the disapproval; and

(B) provide the Indian tribe an opportunity—

(i) to amend and resubmit the plan; or

(ii) to petition the Secretary to reconsider the disapproval (including reconsidering the disapproval of any waiver requested by the Indian tribe).

SEC. 108. USE OF FUNDS FOR TECHNOLOGY.

Notwithstanding any requirement applicable to an Indian behavioral health care program of an Indian tribe that is integrated under a demonstration project described in section 103, the Indian tribe may use funds made available under the program to purchase, lease, license, or provide training for technology for an automated clinical information system if the purchase, lease, licensing of, or provision of training is conducted in accordance with a plan approved by the Secretary under section 106.

SEC. 109. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, and the Secretary of Transportation shall enter into a memorandum of agreement providing for the implementation of the plans approved under section 107.

(2) COORDINATING AGENCY.—The coordinating agency under this title shall be the Indian Health Service.

(3) RESPONSIBILITIES.—The responsibilities of the coordinating agency under this title shall include—

(A) the development of a single reporting format—

(i) relating to each plan for a demonstration project submitted under section 103, which shall be used by an Indian tribe to report activities carried out under the plan; and

(ii) relating to the projected expenditures for the individual plan, which shall be used by an Indian tribe to report all plan expenditures;

(B) the development of a single system of Federal oversight for the plan, which shall be implemented by the coordinating agency;

(C) the provision of, or arrangement for provision of, technical assistance to an Indian tribe that is appropriate to support and implement the plan, delivered under an arrangement subject to the approval of the Indian tribe participating in the project (except that an Indian tribe shall have the authority to accept or reject the plan for providing the technical assistance and the technical assistance provider); and

(D) the convening by an appropriate official of the coordinating agency (who shall be an official appointed by and with the advice and consent of the Senate) and a representative of the Indian tribes that carry out projects under this title, in consultation with each of the Indian tribes that participate in projects under this title, of a meeting at least twice during each fiscal year, for the purpose of providing an opportunity for all Indian tribes that carry out projects under this title to discuss issues relating to the implementation of this title with officials of each agency specified in paragraph (1).

(b) REPORT REQUIREMENTS.—

(1) IN GENERAL.—The single reporting format described in subsection (a)(3)(A) shall be developed by the Secretary in accordance with this title.

(2) INFORMATION.—The single reporting format, together with records maintained on the consolidated program at the tribal level, shall contain such information as the Secretary determines will—

(A) allow the Secretary to determine whether the Indian tribe has complied with the requirements incorporated in the approved plan of the Indian tribe; and

(B) provide assurances to the Secretary that the Indian tribe has complied with all—

(i) applicable statutory requirements; and

(ii) applicable regulatory requirements that have not been waived.

SEC. 110. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to an Indian tribe involved in any project under this title be reduced as a result of the enactment of this title.

SEC. 111. INTERAGENCY FUND TRANSFERS.

The Secretary, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Attorney General, or the Secretary of Transportation, as appropriate, may take such action as is necessary to provide for the interagency transfer of funds otherwise available to an Indian tribe in order to carry out this title.

SEC. 112. ADMINISTRATION OF FUNDS; EXCESS FUNDS.

(a) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds shall be administered under this title in such a manner as to allow for a determination by the Secretary that funds made available for specific programs (or an amount equal to the amount used from each program) are expended on activities authorized under the program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section requires an Indian tribe—

(A) to maintain separate records tracing any service provided or activity conducted under the approved plan of the Indian tribe to the individual programs under which funds were authorized; or

(B) to allocate expenditures among individual programs.

(b) EXCESS FUNDS.—With respect to administrative costs of carrying out the approved plan of an Indian tribe under this title—

(1) all administrative costs under the approved plan may be commingled;

(2) an Indian tribe that carries out a demonstration program under such an approved plan shall be entitled to receive reimbursement for the full amount of those costs in accordance with regulations of each program or department; and

(3) if the Indian tribe, after paying administrative costs associated with carrying out the approved plans, realizes excess administrative funds, those funds shall not be counted for Federal audit purposes if the excess funds are used for the purposes provided for under this title.

SEC. 113. FISCAL ACCOUNTABILITY.

Nothing in this title affects the authority of the Secretary or the coordinating agency to safeguard Federal funds in accordance with chapter 75 of title 31, United States Code.

SEC. 114. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a preliminary report that describes the implementation of this title.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a final report that—

(1) describes the results of implementation of this title; and

(2) identifies statutory barriers to the ability of Indian tribes to integrate more effectively alcohol and substance abuse services in a manner consistent with this title.

SEC. 115. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

Any State with an alcohol and substance abuse or mental health program targeted toward Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code, determines to be appropriate to help ensure the success of the program.

TITLE II—REAUTHORIZATION OF CERTAIN INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

SEC. 201. INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

(a) TRIBAL ACTION PLANS.—

(1) IN GENERAL.—Section 4206(d) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412(d)) is amended—

(A) by striking ''(1) The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2008.''.

(2) ADDITIONAL AUTHORIZATION.—Section 4206(f) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412(f)), is amended—

(A) by striking ''(f)(1) The Secretary'' and inserting the following:

''(f) GRANTS FOR IN-SCHOOL TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary'';

(B) in paragraph (2)—

(i) by striking ''(2) Funds'' and inserting the following:

''(2) USE OF FUNDS.—Funds''; and

(ii) by indenting subparagraphs (A) through (E) appropriately; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2008.''.

(b) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2008.''.

(c) INDIAN EDUCATION PROGRAMS.—Section 4212(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2432(a)) is amended—

(1) in the first sentence, by striking ''The Assistant Secretary of Indian Affairs'' and inserting the following:

''(1) IN GENERAL.—The Assistant Secretary of Indian Affairs'';

(2) in the second sentence, by striking ''The Assistant Secretary shall'' and inserting the following:

''(2) DEFRAYMENT OF COSTS.—The Assistant Secretary shall''; and

(3) by striking the third sentence and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2008.''.

(d) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out planning and design, construction, and renovation of, or to purchase or lease land or facilities for, emergency shelters and halfway houses to provide emergency care for Indian youth, such sums as are necessary for each of fiscal years 2004 through 2008.

''(2) STAFFING AND OPERATION.—There is authorized to be appropriated for staffing and operation of emergency shelters and halfway houses, described in paragraph (1), $7,000,000 for each of fiscal years 2004 through 2008.

''(3) ALLOCATION.—

''(A) IN GENERAL.—The Secretary of the Interior shall allocate funds made available under this subsection to Indian tribes on the basis of priority of need of the Indian tribes.

''(B) CONTRACTING AND GRANTS.—Funds allocated under subparagraph (A) shall be subject to contracting or available for grants under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).'';

(2) in paragraph (4), by striking ''(4) Funds'' and inserting the following:

''(4) CONDITIONS FOR USE.—Funds''; and

(3) in paragraph (5)—

(A) by striking ''(5) Nothing in this Act may be construed'' and inserting the following:

''(5) EFFECT ON OTHER AUTHORITY.—Nothing in this Act'';

(B) in subparagraph (A)—

(i) by striking ''to limit'' and inserting ''limits''; and

(ii) by striking ''houses, or'' and inserting ''houses; or''; and

(C) in subparagraph (B), by striking ''to require'' and inserting ''requires''.

(e) TOHONO O'ODHAM AND ST. REGIS RESERVATIONS; ILLEGAL NARCOTICS TRAFFIC.—Section 4216(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442(a)) is amended by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

''(A) to carry out paragraph (1)(A), $1,000,000 for each of fiscal years 2004 through 2008; and

''(B) to carry out provisions of this subsection other than paragraph (1)(A), such sums as are necessary for each of fiscal years 2004 through 2008.''.

(f) BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2008.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2008.''.

SEC. 202. EFFECTIVE DATE.

This title and the amendments made by this title take effect on the date of enactment of this Act.

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 285), as amended, was passed.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–152, appointed the Honorable NORMAN COLEMAN of Minnesota as a member of the United States Senate Caucus on International Narcotics Control.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 101–549, appoints Dr. Bernard Goldstein, of Pennsylvania, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice M.M. Key.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 302 and 303.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table and the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF TRANSPORTATION

Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation.

FEDERAL TRADE COMMISSION

Pamela Harbour, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 2002.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

IN REMEMBRANCE OF STROM THURMOND

Mr. DEWINE. Mr. President, I would like to take a moment this evening to pay tribute to our dear friend and former colleague, Strom Thurmond, a man who gave of himself personally to his constituents and to his colleagues here in the Senate.

All of us will always remember Strom. We will remember him seated right in front of the Presiding Officer at his desk. We will remember him for his smile. We will remember him for his greeting. Frankly, I don't think any of us will ever walk into this Chamber again without almost seeing him down there at his desk.

He was a man who gave so much of himself to his constituents. We will remember him for the way he treated each one of us, the way he treated his constituents, and the individual attention he gave to us and his constituents.

I saw the way he personally dealt with his constituents. I also saw the personal attention he paid to me and the personal interest he took in my family. In particular, I am grateful to him for the hospitality and attention he showed to my son Brian, who just recently graduated from his beloved Clemson University.

A few years ago, when I told Strom that my son Brian was going to Clemson, I remember the big smile on his face. Of course, I knew he was a graduate of Clemson. I could tell how delighted and eager he was to share stories about his experience at Clemson. And I remember a lot of those stories.

Of course, the first thing he told me was: ''You know, I went to Clemson''—which, of course, I did know. And I then asked him: ''Strom, what year did you graduate from Clemson?'' He said: ''1923.'' I said: ''Strom, that was the year my dad was born''—which it was.

During the 4 years that Brian was at Clemson, almost every time I saw Strom on the floor, Strom would say: ''How's your boy? How is that boy of yours doing down at Clemson? Does he like it?'' Of course, I told him he did, which Brian certainly did.

After Brian graduated, Strom invited Brian and myself up to his office. Strom showed him all the pictures on the wall. Strom invited him over and

had his picture taken with Brian, a picture that Brian now has, and a copy of another picture that I have of Brian and myself and Strom that is in a prominent place in my office today in the Russell Building.

Strom Thurmond paid this same level of attention, which he paid to his colleague in the Senate and to his colleague's son, to all his constituents. And we know that. We have all heard the stories. It did not matter whether you were a U.S. Senator or whether you worked in a filling station or who you were in his home State of South Carolina; it did not matter. That was Strom Thurmond. It did not matter who you were, Strom paid attention to you.

We have all heard the stories about the birthdays and the anniversaries, constituent problems. It did not matter, Strom was there.

Strom Thurmond has left a mark on his State and our country through his kindness and his personal attention to others—a mark that surely will not be forgotten or held in anything less than the highest regard.

We thank Strom for his service to our country, to South Carolina, and to the people who will miss his kindness and his friendship. We thank Strom for his extra efforts to help those in need, those he loved, and those he came to the Senate to represent.

We will remember this man, our friend, fondly. He was a man of courage, a man of integrity, a man of passion, a man who loved this country dearly.

We thank you, Strom. We miss you. We respect you.

ORDERS FOR THURSDAY, JULY 24, 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, July 24. I further ask consent that following the prayer and pledge, the Journal of proceedings be approved, 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, with the first 15 minutes under the control of the minority leader or his designee, and the next 15 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business, 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 observe a moment of silence at 3:40 p.m. tomorrow in honor of Capitol Police Officers Jacob Chestnut and John Gibson.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. DEWINE. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until approximately 10 a.m. Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. Again, it is the majority leader's intention to complete action on this bill during tomorrow's session. There are several Democratic Senators who still have amendments to offer, and we will try to enter short time agreements with respect to those amendments. Rollcall votes, therefore, should be expected throughout the day tomorrow as the Senate will continue to work through the remaining amendments to the bill. Senators will be notified when the first vote is scheduled.

As a reminder, the Senate will observe a moment of silence tomorrow at 3:40 p.m. to pay tribute to two of our fallen Capitol Police officers. Members are encouraged to remain in the Chamber during that moment of silence.

The PRESIDING OFFICER. Does the Senator from Ohio yield the floor?

Mr. DEWINE. Let me just, if I could, conclude before I yield.

ORDER FOR RECESS

Mr. DEWINE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order, following the remarks of Senator DAYTON for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Minnesota.

TRIBUTE TO KENNETH N. DAYTON

Mr. DAYTON. Mr. President, I rise to pay tribute to one of Minnesota's leading citizens who passed away last Saturday, a man who also happens to be my uncle, Kenneth N. Dayton.

Kenneth Dayton was one of five brothers who returned from their service in World War II, and when their father died in 1950, took ownership and operating control of a single department store in Minneapolis which was then known as the Dayton Company. Ken was instrumental, along with my father, Bruce Dayton, in building that small family-owned business into what is now Target Corporation, the second largest retail company in America.

Last year, Target Corporation owned and operated some 1,500 stores in 48 States under the names Target, Marshall Fields, and Mervyn's. The week I took office in January 2001, the company announced that it was changing the name of its upper midwest Dayton's department stores to Marshall Fields. I have always suspected they did so because they were concerned I was going to generate so much bad publicity for the Dayton name that they better make that change while they could.

Kenneth Dayton, however, added only stature and respect to our family name. He was a brilliant retailer who understood merchandise, marketing, and consumers. He served as president, chief executive officer, and chairman of the board during two decades of expansions and acquisitions in the 1960s and 1970s, which transformed the company into a publicly owned corporation and a national retailer.

Early on, the five brothers established a practice of contributing 5 percent of pretax profits to charitable organizations. It was one of their ways to give back to and enhance the communities where the stores were located.

Kenneth Dayton became a national spokesman for this 5 percent club, and he persuaded many other leaders of American corporations to adopt the practice of contributing, if not 5 percent, at least some designated amount of their profits to worthwhile social causes.

Ken and his wife of over 50 years, Judy Dayton, practiced what he preached. They have been two of Minnesota's leading philanthropists during the last half century, contributing, by their own account, over $100 million to charitable organizations. The Minneapolis symphony orchestra, a world class symphony orchestra, which performs in a world class orchestral hall, has been a principal beneficiary and great love of Ken and Judy Dayton. But hundreds of other organizations, large and small, engaged in all kinds of important work, have been also recipients of their wonderful sense of social responsibility.

That wide variety of causes reflected Ken Dayton's wide breadth of interests. He had enormous enthusiasm for life, and he brought that enthusiasm to everything he did, along with a keen intellect and a world of life experience.

Because of his stature as a civic leader in Minnesota and the importance of his many contributions to the city of Minneapolis, to the State of Minnesota, and to our country, I would be making this tribute to Kenneth N. Dayton were he not my uncle, but I am proud he was. He inspired, supported, and guided our family and so many others whose lives he touched. I am fortunate to have been one of those blessed by his life and his love.

John Kennedy, as President in 1961, said for those to whom much is given, much is required. And when at some future date the high court of history sits in judgment of each of us, our success or failure will be measured by the answers to four questions: First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? Finally, were we truly men of dedication?

By those four measures, Kenneth Dayton was a success—a great success. He was a great man and, more importantly, he was a good man.

Well done, good and faithful servant. May you rest in peace.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. on Thursday, July 24, 2003.

Thereupon, the Senate, at 8:48 p.m., recessed until Thursday, July 24, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 23, 2003:

DEPARTMENT OF TRANSPORTATION

NICOLE R. NASON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

FEDERAL TRADE COMMISSION

PAMELA HARBOUR, OF NEW YORK, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2002.

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

TRIBUTE TO COLONEL BOB MORGAN (USAF) RETIRED

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to commend an honorary New Yorker, Colonel Bob Morgan (USAF) Ret.

Colonel Morgan was part of the heroic and courageous crew aboard the Memphis Belle during World War II. During that time the Memphis Belle flew 25 consecutive successful missions while helping the allies to defeat Nazi Germany.

In a ceremony at the American Airpower Museum at Republic Airport in New York, Colonel Morgan honored many supporters by describing them as ''Americans who have preserved and protected our nation's past so that we may better protect our future.'' It is thanks to the dedication and service of men and women such as Colonel Morgan that we have such a bright future to protect.

I am honored to have gotten to spend time with Colonel Morgan and thank him again for his service, dedication and patriotism to the nation. Mr. Speaker, I ask that his remarks at the July 3, 2003 ceremony be inserted into the RECORD at this point.

Congressman Steve Israel, Mr. Hugh Jones, Mr. Edward Blumenfeld, Supervisor Bellone—distinguished guests and fellow veterans—it is a tremendous honor to be here this morning at the American Airpower Museum at Republic Airport.

I have not been in New York since September 11th, 2001. But truth be told, I don't find its spirit to be much different than when I was here back in the late 1990's. You still have the guts, the grit and the determination of what I remember. You continue to be that tough competitor on the outside with the heart of gold on the inside.

That character was on display that morning of September 11th as men and women made life and death decisions with courage and bravery that will be recorded in the annals of American history for all time.

Some 22 months ago many in this audience found themselves on the front line of this nation's fight against tyranny and terrorism. Civilians and uniformed services found themselves together—under fire and confronting an enemy we had never known before. And yet because we were attacked as Americans we responded the same way—as Americans.

I am proud that you think me worthy of being called an honorary New Yorker. Congressman Israel, I will wear that label proudly as it shows solidarity with each and every one of you. It reminds all of us that the fight to preserve and protect our country is never without sacrifice.

Some sixty years ago I served with men who understood that stark reality. To protect our freedom we need to put ourselves in harms way. In a plane much like the B–17 Flying Fortress sitting beside the museum, we set out 25 times to defy the Nazi Luftwaffe. We knew that if we didn't put bombs on target the people of Europe would remain slaves forever and the people of America would always live in fear. We never wanted to be heroes but we understood the stakes.

Today is no different. The stakes are high. The risks are great. But we are a nation that will do what it takes to defend itself and preserve liberty. These aircraft at the American Airpower Museum are part of that legacy. The outstanding work that Congressman Israel does in Washington is part of that legacy. And the support we get from people like Hugh Jones of Republic Airport, Ed Blumenfeld of BDG, Faith Weiner of Stop & Shop and Bill Mullaney of Hampton Inn keep that heritage alive and well.

Accordingly, I would like to make those individuals honorary members of the Memphis Belle—Americans who have preserved and protected our nation's past so that we may better protect our future. Wear your new membership proudly—you are now part of our American heritage.

Thank you all and God Bless America.

HONORING KEN BROWN, ''MR. VETERAN''

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor the patriotism and dedication of Ken Brown, or as he is known in Southern Nevada, ''Mr. Veteran.''

Mr. Brown honorably served in the United States Navy during World War II. After receiving his honorable discharge from the Armed Services, Mr. Brown dedicated himself to improving the quality of life for the military veterans of Nevada and our great nation.

Mr. Brown was the driving force behind the creation of the Veteran's Cemetery in Boulder City, Nevada. Using his own personal savings, Mr. Brown purchased 83.5 acres of land in Boulder City to be used as a veterans' cemetery site. On Friday, April 6, 1990 Mr. Brown's dream was realized and the Southern Nevada Veterans Memorial Cemetery was officially dedicated. In honor of his contributions, Friday, April 6, 1990 was proclaimed ''Ken Brown Day'' by the Governor of Nevada.

Mr. Brown has received numerous honors paying tribute to his fifty years of service to veterans and their families including the God & Country Award from the United States Navy Armed Guard and the key to the City of Las Vegas for heroism and vision in supporting veterans in Nevada.

I am honored to join with all Nevadans in honoring Ken Brown on his many accomplishments.

A TRIBUTE TO PATRICK J. MELLODY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. KANJORSKI. Mr. Speaker, this country has lost a great citizen. I rise today to pay tribute to an exceptional constituent of mine and the life he led by example. Nearly a year ago my very good friend, Attorney Patrick J. Mellody, passed away on August 29, 2002. He is deeply missed by his family and the entire community of Northeastern Pennsylvania.

A native of Scranton, he served his nation in the U.S. Army as a 1st Lieutenant. He married the former Patricia Lynch and raised five children: Patrick, Kathleen, Mara, Stephen, and Meredith.

An outstanding attorney, Pat often represented injured workers before me when I was an Administrative Law Judge for the state's worker's compensation fund. I quickly came to appreciate not only his excellent legal skills, but also his compassion. It was this natural empathy and desire to help others that drove Pat. He served as a trusted advisor and counselor to each of his clients.

The son of a Lackawanna county commissioner, Pat learned the importance of public service at an early age. He served as a hearing examiner for the Pennsylvania Liquor Control Board for over sixteen years. He was also active in numerous community organizations, from the Boy Scouts of America to the American Heart Association, but it was his dedicated service to the Democratic Party for which he will be best remembered.

Never a candidate himself, Pat tirelessly supported Democratic candidates and developed the Lackawanna County Democratic Party into a source of strength and significance in local, state, and national elections.

Pat served as chairman of the Lackawanna County Democratic Committee from 1984 to 2002, the longest any individual has held the position. In 1989, a local political columnist wrote about Pat's great character, which showed through when he appeared on a local radio station's political show with his Republican counterpart. ''The listeners were struck by the civility and friendliness that dominated the program. Hey, the listeners reasoned, Democrats and Republicans can get along together, particularly if they're high-class gents. Listeners got a lesson in modern day political science—it is not necessary to downgrade the opponent. You can be nice to him, and vice versa.''

An article in the Scranton Times on September 7, 2002 Mellody was the glue keeping party together, Pennsylvania Senate Democratic Leader Robert T. Mellow, a great friend of Pat's for forty years was quoted as saying, ''He brought to the party very great leadership, absolutely no selfishness, no agenda.'' ''He was a very open individual with no personal agenda except to make sure the Democratic Party . . . would be successful.''

At the Lackawanna Bar Association's memorial, Attorney Sal Cognetti described, ''Pat as a cheerful, helpful, generous man who everyday aided and touched other human beings by and through his counsel and knowledge. His compassion made him care about the less fortunate. The strength of his personality and his unyielding dedication to good and equal government for all kept a diverse group of individuals united under the umbrella of the Democratic Party.''

Mr. Speaker, I insert in my remarks at this point the complete text of Pat's obituary.

[From the Scranton Times Tribune, August 31, 2002]

ATTORNEY PATRICK J. MELLODY

Attorney Patrick J. Mellody, 59, of the Green Ridge section of Scranton, died Thursday evening at home. His wife is the former Patricia Lynch.

Born in Scranton, son of Rita Lestrange Mellody, Scranton, and the late Lackawanna County Commissioner Patrick J. Mellody, he was a 1962 graduate of St. Paul's High School. He earned his bachelor of science degree from the University of Scranton in 1966 and his juris doctor from Columbus School of Law at Catholic University of America, Washington, D.C., in 1974. He received American Jurisprudence Awards for academic excellence.

Attorney Mellody maintained a practice in Scranton since 1974. He was admitted to practice in the Supreme Court of Pennsylvania, the U.S. District Court for the Middle District of Pennsylvania, the U.S. Court of Appeals for the Third Circuit and the U.S. Supreme Court.

Attorney Mellody had served as chairman of the Lackawanna County Democratic Committee since 1984. He was also a member of the executive committee of the Pennsylvania State Democratic Committee and was elected delegate to the 1984, 1996 and 2000 Democratic National Conventions. A graduate of Officer Candidate School, he served as a 1st lieutenant in the Army from 1966 to 1969.

He was a member of numerous civic, educational, professional and business associations, including serving as chairman of the Keystone Chapter of the American Heart Association and on the board of directors of the Pennsylvania State Affiliate of the American Heart Association. He served on the executive committee of the Friendly Sons of St. Patrick and as vice president and a member of the executive board of the Forest Lakes Council, Boy Scouts of America. An Eagle Scout, he was a member of the Eagle Scout Association of the Boy Scouts of America.

He was a member of St. Clare's Church, Scranton; the advisory board of directors of the Green Ridge branch of Penn Security Bank and Trust Co., Scranton; the Irish-American Men's Association, the Sierra Club, the Knights of Columbus Council 280, Scranton; the Green Ridge Business Association, St. Paul's Booster Club and the executive board of the Italian-American Democratic League.

Surviving in addition to his widow and mother are three daughters, Kathleen, Arlington, Va., and Mara and Meredith; both of Scranton; two sons, Patrick, Scranton, and Stephen, Arlington, Va.; a sister, Mary Horan, Pleasant Valley, N.Y.; two brothers, Charles Mellody, Bethesda, Md., and Jerome Mellody, Rockville, Md.; and several nieces and nephews.

He was also preceded in death by a brother, James Francis Mellody, who died in 1989.

Mr. Speaker, Pat Mellody's integrity, industriousness, and devotion to his family and community mark him as an extraordinary man. May his life be an inspiration to us all.

INTRODUCTION OF DC NATIONAL GUARD HOMELAND SECURITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. NORTON. Mr. Speaker, today I am introducing a bill to give the mayor of the District of Columbia the same authority over the National Guard as the governors of all 50 States. My work as a Member of the new Select Committee on Homeland Security has convinced me that this bill is necessary now more than at anytime in the District's history. In some circumstances where a suspected terrorist incident occurs and in all circumstances constituting local emergencies, the mayor of the District of Columbia should have the same authority as governors. The National Guards in the 50 States operate under dual jurisdictions, Federal and local, but the D.C. National Guard (DCNG) has no local jurisdiction, no matter the local emergency. The President of the United States as the Commander in Chief alone has the authority to call up the National Guard for any purpose, local or national here. Each Governor, however, as the head of state, has the authority to mobilize the National Guard to protect the local jurisdiction, just as local militia have always done historically. Most often this has meant calling upon the National Guard to restore order in the wake of civil disturbances and natural disasters. Today it could mean acting quickly to respond to an incident that may be local or terrorist-related because it may be impossible to tell which. The mayor, who knows the city better than any Federal official, certainly should be able to call on the DCNG to cover local natural disasters or civil disturbances without relying on the President, who may be preoccupied with national matters, including perhaps war or security matters. It does no harm to give the mayor the authority. Today it may do great harm to leave him powerless to act quickly. If it makes sense that a Governor would have control over the mobilization and deployment of the State National Guard, at the very least it makes the same sense for the mayor of the District of Columbia, with a population the size of that of small States, should have the same authority.

The mayor of the District of Columbia, acting as head of state, should have the authority to call upon the DCNG in instances that do not rise to the level of Federal importance to implicate the powers of the President. Today requiring action by the President of the United States could endanger the life and health of D.C. residents and visitors and those who work here in the event of an emergency. Procedures now in use require the mayor to request the needed assistance from the Commander in Chief for a local National Guard. My bill does not cause the President to lose his power over the D.C. National Guard. The President could still nationalize the Guard at will, as he can with the Guards of the 50 States.

Following the September 11 terrorist attacks, I succeeded in including a provision in the Homeland Security Act recognizing that the District of Columbia must be an integral part of the planning, implementation, and execution of national plans to protect city residents, Federal employees, and visitors by including the District of Columbia, as part of the region, as a separate and full partner and first responder in federal domestic preparedness legislation. Allowing the mayor control over the DCNG helps recognize the new responsibility he now has in protecting the entire Federal establishment—the Congress, the White House, the Supreme Court, and the Federal agencies—from terrorist attacks. At a minimum, such recognition also demonstrates the respect for local governance and home rule that every jurisdiction that recruits members of the military to its National Guard deserves, especially today when the Guards are no longer weekend warriors, as the Iraq war demonstrates. If the mayor has local control over his own Guard, the Executive would give up nothing of his necessary control because the President would retain his right to nationalize the DCNG at will, as he can for the states. The confusion that accompanied the September 11 attack plainly showed the danger inherent in allowing bureaucratic steps to stand in the way of responding to emergencies in the Nation's Capital. September 11 has made local control of the DCNG an imperative.

This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. District authority over its own National Guard apparently was not raised during the Home Rule Act process. However, then it was unthinkable that there would be war in the homeland, much less terrorist threats to the nation's capital. What should be unthinkable after 9–11 in an era of global terrorism is allowing to stand old and antiquated layers rather than stripping them away. Giving the mayor of the District of Columbia authority to call up the National Guard could make the difference in protecting the safety of the residents, Federal employees, and visitors alike. I urge my colleagues to support this bill.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to commend the 50th anniversary of the American Political Science Association (APSA) Congressional Fellowship Program. Founded in 1953, the highly selective, nonpartisan Congressional Fellowship Program has ushered more than 1700 foreign and domestic scholars, journalists and Federal employees through legislative assignments on Capitol Hill. The APSA Congressional Fellowship Program, which is currently run by Dr. Jeffrey Biggs, provides fellows with a hands-on experience in Congress as they handle legislative responsibilities both on personal or committee staffs.

In these positions, the American Political Science Association Fellows gain an invaluable inside perspective on the legislative process that no textbook can provide. In turn, they contribute significantly to the work of a congressional office as they add a new perspective and outside, real world expertise to crucial policy issues. Over the years, the Congressional Fellowship Program has gained prominence among those interested in the ways our unique democracy functions.

I am currently serving my third term in the House of Representatives and have already hosted my third APSA Congressional fellow. Ms. Simone Stemmler from Germany spent her fellowship year in my office in 1999 working on a global health initiative.

After a very successful year, my office was joined by Ms. Jodi Lieberman from the Nuclear Regulatory Agency who spearheaded a number of key legislative issues in my office, including founding and establishing the Bangladeshi Caucus.

This year, I once again picked a German fellow—political scientist Marcus Menzel—who worked together with my staff and me on a number of foreign affairs, defense, and trade issues. In addition, he created the new role of grants coordinator in my office, working to ensure that Federal dollars are returned to worthwhile groups and organizations in my district of Queens and the Bronx, New York.

Representing a multiethnic district and serving on the Committee on International Relations, I particularly appreciate the different perspectives and opinions that fellows from America's foreign allies bring to my office. They learn about our deliberate process and we in turn benefit from their unique perspective on global issues.

The 50th anniversary is often considered the golden anniversary; and I can state without hesitation that the APSA Congressional Fellowship Program represents the gold standard of fellowship programs.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to commemorate the 50th anniversary of the American Political Science Association (APSA) Congressional Fellowship Program.

The APSA Congressional Fellowship Program is a nine-month highly selective, nonpartisan, legislative working experience where fellows gain experience as legislative assistants on personal or committee staffs and attend educational seminars and trips to the Canadian Parliament and the Maryland State House. The program exposes the inner workings of the legislative process to professionals from academia, journalism, government agencies, health care and foreign countries and, through them, to the broader public. It likewise exposes us as Members of Congress to their outside expertise and fresh perspectives on important public policy issues.

I have been honored to host two APSA fellows in my office during the course of my three terms in the House of Representatives. Wanda Meyer-Price, a federal agency fellow from the Central Intelligence Agency, served in my office in 2002. Matthew Hicks, a journalism fellow from national technology magazine eWEEK, is serving this year. Both acted as full members of my staff, advising me on important legislative issues.

On a personal note, I understand the importance of fellowship programs because my exposure to the legislative process began in 1983 as a fellow in the California Assembly Fellowship Program. Fellowship programs like the APSA Congressional Fellowship Program strengthen our democracy by fostering a broader and deeper understanding of the Congress and its legislative processes.

Mr. Speaker, let us recognize the APSA Congressional Fellowship Program and its 1,800 alumni for their contributions to the legislative work on this floor and to furthering vital participation in the democratic process.

HONORING THE COMMITMENT OF SPECIAL AGENT WILLIAM M. YOKOW

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the lifelong dedication of Special Agent William M. Yokow, who after 27 years of service retired earlier this month from the United States Department of Treasury, Internal Revenue Service, Criminal Investigation.

As a member of the IRS Criminal Investigation, Special Agent Yokow has been instrumental in protecting the American public from financial crimes. Beginning his career in 1978 under the IRS Intelligence Division, Bill served 16 years in the Hartford Post of Duty and later transferred to the New Haven Post of Duty. He has been responsible for numerous high-profile convictions and has repeatedly proven his commitment to the law enforcement community. In cooperation with the FBI, Special Agent Yokow was essential in obtaining a conviction in the well-known ''Santa Claus'' armored car robbery of more than $1 million and helped the Environmental Protection Agency Criminal Investigation Division, U.S. Customs Service and the U.S. Attorney's Office in the conviction of a $26 million excise tax fraud conspiracy relating to the illegal importation of ozone depleting chemicals. Over the years, Bill has not only demonstrated his leadership as an on-the-job instructor and mentor to Special Agents in training, he has also volunteered for special assignments, including service at the 2002 Winter Olympic Games held in Salt Lake City, Utah.

Bill's hard work and dedication has earned him the Director's Award for Outstanding Achievement in Law Enforcement, as well as a Certificate of Commendation by the Assistant Attorney General, U.S. Department of Justice, Environmental and Natural Resources Division. Special Agent Yokow has also received a Juris Doctorate from the Quinnipiac School of Law and is eligible to practice law before the State of Connecticut Superior Court, U.S. Tax Court and the U.S. District Court.

Mr. Speaker, I ask that my colleagues join me today in thanking and honoring Special Agent William M. Yokow for his service to the state of Connecticut and the Nation.

ROBERT A. BORSKI POST OFFICE BUILDING

SPEECH OF

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. HOLDEN. Mr. Speaker, I rise today in support of the bill before us and to pay tribute to my very good friend and former colleague, Robert A. Borski. I had the pleasure to serve with Bob for ten years in this body, and am very proud of the work we did together.

Representative Borski was first elected to the House of Representatives in November 1982 and served for 20 distinguished years in this chamber where he served his district and the entire State of Pennsylvania in a dedicated and exemplary fashion.

Representative Borski built a reputation as Philadelphia's most accessible representative. A consummate leader and statesman, Bob worked consistently to defend public safety and devotedly serve his constituents in the Philadelphia area.

As a member of the Committee on Transportation and Infrastructure, Congressman Borski worked very hard for Pennsylvania's transportation concerns. He rose to be the third ranking Democrat in seniority, and the Dean of the Pennsylvania Delegation on the Committee. In his last term he served as Ranking Democrat on the Highways and Transit Subcommittee.

I ask my colleagues to join me in formally recognizing the outstanding accomplishments of Representative Borski by passing this bill to officially name the Robert A. Borski Post Office.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. CARTER. Mr. Speaker, on Thursday, July 17, 2003 and Friday, July 18, 2003, I was unable to be present for rollcalls #382–#397. The following are the ways I would have voted, had I been present:

Rollcall 382—No; rollcall 383—No; rollcall 384—No; rollcall 385—No; rollcall 386—No; rollcall 387—No; rollcall 388—Aye; rollcall 389—Aye; rollcall 390—No; rollcall 391—Aye; rollcall 392—No; rollcall 393—No; rollcall 394—No; rollcall 395—Aye; rollcall 396—No; rollcall 397—Aye.

SHOSHONES FINALLY GET MASSACRE LAND

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BISHOP of Utah. Mr. Speaker, the Northwestern Band of Shoshone Nation were

driven and slaughtered by their own government in 1863. They are not a federally recognized tribe and are scattered throughout Northern Utah and Southern Idaho. The following article depicts their sorrows and triumphs over the last 140 years. It details how recently they were able to acquire the land where the 1863 massacre occurred. This site will serve as a reminder for time immemorial of the sacrifice and hardship endured by this people since those fateful days of 1863. I respectfully submit it to the CONGRESSIONAL RECORD on behalf of the Northwestern Band of Shoshone Nation and the American West Heritage Center, the sole repository of their artifacts and history.

[From the Salt Lake Tribune, Mar. 25, 2003]

SHOSHONES FINALLY GET MASSACRE LAND

(By Kristen Moulten)

PRESTON, IDAHO.—The Northwestern Shoshones have been invisible among Utah's Indian tribes, almost an afterthought on any list.

But that era is over, according to Forrest Cuch, Utah's head of American Indian affairs and one of a dozen speakers at a ceremony Monday celebrating a new chapter for the tribe.

The Northwestern Band of the Shoshone Nation at last took ownership of land in southern Idaho along the Bear River where hundreds of their ancestors were slaughtered by U.S. soldiers in 1863.

''All my life I've watched the Shoshone suffer in this area,'' Cuch told the 75 Shoshones and 125 of their friends gathered at the massacre site Monday two miles west of Preston. ''It's your turn to be first now. You've been last for so long.''

Tribal Chairwoman Gwen Davis of Brigham City agreed. ''We've waited many years for this day to happen,'' she said. ''Our dreams have become reality today.''

The tribe plans a small interpretive center to tell the story of the massacre.

A larger interpretive center is planned farther south near Logan. The American West Heritage Center at Wellsville is raising $30 million for a center that will have a multimedia re-creation of the massacre and tell the tribe's story in full. The tribe's library and cultural artifacts also will be kept at the heritage center, said Bruce Parry, executive director of the tribe.

Back on Jan. 29, 1863, the Shoshones were in their winter camp at the northern end of Cache Valley in Idaho when soldiers under the command of Col. Patrick Connor attacked.

The first hour was a battle between the soldiers and Shoshone braves, but it soon turned into a massacre. Men, women and children were shot and clubbed to death; tepees and food supplies were torched. Between 250 and 380 Shoshones were killed, while a few dozen hid in brush and under the riverbanks.

Mormon pioneers had asked the soldiers to intercede because Shoshones—who had lost their game and other food sources to pioneer and wagon train encroachment—had become an irritant, depending on the pioneers for food. Shoshone braves also were suspected of raiding supply wagons en route to Montana gold-mining camps.

In a benedictory prayer at the end of Monday's ceremony, Elder Monte Brough of the LDS Church's First Quorum of the Seventy alluded to the role played by early Mormons in inciting the massacre.

''There is a history of persecution and discrimination here, and we ask that this can be a token gesture to remedy that . . . a token of those things that are solidly in the past.''

Brough prayed that all who visit the site will consider it sacred ground.

Paul Campbell, chairman of the Franklin (Idaho) County Commission, said he learned just recently that his great-great grandfather had watched the massacre from a bluff above the river.

Many Preston area residents are ignorant of the massacre, he said. Early historic markers labeled the Shoshone women and children ''combatants.''

The 26 acres turned over to the tribe Monday have been grazed for decades and have a crumbling homestead in one corner.

Campbell said the shift to tribal ownership should get the Idaho congressional delegation's attention and help win the place designation as a national historic site.

The land was purchased this past weekend by the Trust for Public Land, a national land-conservation organization. The $55,000 purchase price for two parcels comprising the 26 acres was raised from the Flamekeeper Foundation (formerly the William F. and Anna Smith Foundation) of Salt Lake City; Katherine and Zeke Dumke Jr.; historian Brigham Madsen and several anonymous donors. The American West Heritage Center helped with fund raising.

''This is a story that must be heard, not just locally, but regionally and nationally,'' said Alina Bokde, a New Mexico-based project manager for the trust. The organization has a program to help tribes regain ancestral lands.

Allie Hansen of Preston was jubilant Monday. The history buff has shown the massacre site and told the story to thousands of visitors for two decades and successfully lobbied the National Park Service to get it listed on the National Historic Register in 1990.

When one gets immersed in a historical subject, it starts to seem like a fairy tale, she said. ''This makes reality out of it.''

WEST VIRGINIA SERVICEMEN MISSING IN ACTION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mrs. CAPITO. Mr. Speaker, I rise today on behalf of myself, the National League of Families of American Prisoners and Missing in Southeast Asia, and the 19 servicemen from West Virginia who are still missing as a result of their military service in the Vietnam War. Following Operation Iraqi Freedom, support for our missing soldiers and their families has been in the hearts of all Americans. The successful rescue of Army PFC. Jessica Lynch reminded America of the amazing strength and courage exhibited by American prisoners of war. In a salute to our missing soldiers, I would like to personally acknowledge the League's efforts and recognize these missing West Virginians, so that their strength, courage and patriotic service may be lastingly praised remembered and cherished:

John Scott Albright II of Huntington, Albert Harold Altizer of Squire, Joseph Clair Austin of Moundsville, Jerry Edward Auxier of Dixie, Keith Royal Wilson Curry of Salem, James Edward Duncan of Point Pleasant, Robert W. Hunt of Beckley, Carroll B. Lilly of Morgantown, Danny G. Marshall of Waverly, Michael Robert Norton of Eskdale, Edward Milton Parsley of Naugatuck, Marshall I. Pauley of Milton, Ronald Keith Pennington of Hambleton, Joe Harold Pringle of Homer, James Ray Sargent of Anawalt, Hughie Franklin Snider of New Cumberland, Dean Calvin Spencer III of Morgantown, James Lawrence Taylor of Nitro, and David Wallace Wickham II of Wheeling.

Many of us will never experience the pain of uncertainty that the families of POWs live with. Adding insult to injury, these missing soldiers have slowly slipped from our nation's collective memory. It is our sober duty to never forget our unaccounted-for soldiers, and to show our appreciation for their service by flying the POW/MIA flag.

Mr. Speaker, it is with great pride and honor that West Virginia remembers the service of these men. We will continue to fly the POW/MIA flag, and we laud The National League of Families of American Prisoners and Missing in Southeast Asia for their continued diligence in locating our missing sons and daughters and for their unwavering commitment to the memory of our nation's POWs.

VETERANS HEALTH CARE IMPROVEMENT ACT OF 2003

SPEECH OF

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. MICHAUD. Mr. Speaker, I rise today in support H.R. 2357, the Assured Funding for Veterans Health Care Act of 2003 and I would like to thank Congressman EVANS, Ranking Member of the Veterans' Affairs Committee for introducing this important measure.

As we speak, our young men and women in uniform are selflessly risking their lives in Iraq and in Afghanistan. The bravery that they show reflects the proud tradition of this nation's military and demonstrates the great sacrifices made by our veterans and their families. America owes a great debt to its veterans.

Recently, the President's Task Force to Improve Health Care Delivery for Veterans released its final report, which noted ''a significant mismatch in VA between demand and available funding.'' To ensure funding for veterans' health care, the report recommends ''modifications to the current budget and appropriations process by using a mandatory funding mechanism.''

The ''Assured Funding for Veterans Health Care Act of 2003'' would address the findings and recommendations of the Task Force by creating a guaranteed funding stream for veterans' health care. We need a process that ensures that our veterans do not have to wait for discretionary funding each fiscal year, and that is why I support H.R. 2357.

The American Legion, Disabled American Veterans and Veterans of Foreign Wars have built a coalition to fight for the passage of mandatory funding for veterans' health care. It is one of the highest priorities for the veterans of this country and it should be one of the highest priorities for this Congress.

We need to work to ensure that both bodies pass legislation to guarantee funding for veterans' health care. The veterans of this country need to know that this Congress is serious about caring for their needs, and that this country keeps its promises.

NEGOTIATE A FREE TRADE AGREEMENT WITH TAIWAN NOW

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TOWNS. Mr. Speaker, for over half a century, Taiwan and the United States have been close Trade partners. Last year, bilateral trade between Taiwan and the United States reached US $51 billion, making Taiwan our 8th largest trading partner. It is interesting to note that bilateral trade between Taiwan and the United States surpassed that of all of our newest prospective free trade agreement partners combined. It is therefore timely for us to consider negotiating a free trade agreement with Taiwan.

Our International Trade Commission recently issued a report which showed net gains totaling $3.4 billion for the U.S. economy from a proposed agreement. Beneficiaries would include U.S. exporters of cars, auto parts, machinery and equipment, chemicals and plastic products and certain foods. New opportunities would be created for financial and educational services.

Negotiations of a trade agreement would serve long-term U.S. interests overseas. A trade agreement with Taiwan would phase out tariffs and other non-tariff barriers with Taiwan and promote U.S. efforts to increase trade not only with Taiwan but also with other countries in the Pacific Rim.

We will build on the free trade agreements already concluded with Chile and Singapore. It is possible we will enter negotiations with Australia and New Zealand, eventually reaching the goal of a free trade zone in the region by 2010, as envisioned by the APEC Bogor Declaration.

In short, Mr. Speaker, with Taiwan's recent accession to the World Trade Organization and passage of Trade Promotion Authority for the president, it is most appropriate for the United States to reach out to Taiwan, a strong friend and ally in the Pacific. We need to solidify our long-term trade relations with Taiwan by starting to negotiate a free trade agreement with Taiwan now.

HONORING MR. ROBERT SIDNEY PHELAN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TANNER. Mr. Speaker, today I rise to honor Robert Sidney Phelan, a fine public servant who has dedicated himself to the people of Tennessee throughout his life as a loyal citizen to our community.

Robert attended Peabody High School in Trenton, Tennessee, where he excelled in both basketball and football. Graduating in 1952, he received a football scholarship at the University of Tennessee in Knoxville.

Dedicated to his family, Robert cut his college years short to return home and run the family business, an automobile dealership he ran for 50 years. In 1987, he received the ''Quality Care Award,'' the highest award the Ford Motor Company bestows on a dealer.

Robert married Linda Gail Powell in 1958. They are the proud parents of Robert Sidney Phelan, Jr., Paul Edmund Phelan, and Mary LeAnn Phelan. Robert and his wife have three grandchildren and two step-grandchildren.

In 1963, Robert became the acting Postmaster while continuing to run his auto dealership. He also served in the Tennessee National Guard, from which he retired as a First Lieutenant.

Robert has long been active in helping our community. With the help of U.S. Senator Jim Sasser, Robert was instrumental in establishing a new National Guard Armory in 1991. He was Exalted Ruler of the Trenton Elks Lodge. As a fundraiser for the lodge, Robert Started Walking Horse shows, which became known as one of the best shows in West Tennessee. Robert aided the lodge in buying land and building their now existing lodge. Robert served as President of the Trenton Chamber of Commerce and he also won their prestigious Citizen of the Year Award. He was also a member of the Trenton Rotary Club.

He served as a member of the Gibson County Election Commission for 36 years, devoting many of those years as Chairman. He has served on the board of Trenton Housing Authority for 34 years. He helped in forming the Pinecrest Country Club and served on that board, as well. He helped in forming the Trenton Special School District, where years later he helped replace the aging school building with a new high school. Believing that Gibson County could support a satellite community college, Robert was instrumental in raising money to fund Dyersburg State Community College in Trenton. It is obvious that Robert Phelan gives 100 percent of himself into everything asked of him for the people of Gibson County and the State of Tennessee.

Robert has also served many years on the Trenton Industrial Board. Robert served on the board of Citizen State Bank, spending some of that tenure as Chairman. Robert worked diligently to form Citizen City and County Bank, which opened in 1997. Robert now serves as Chairman of the Board.

Throughout his life, Robert has always devoted hard work to the Democratic Party on a local and statewide level. In 1974 Robert was appointed Honorary Sergeant At Arms of the Tennessee Senate. In 1975 was the Colonel Aide de Camp on the Governor's staff and a 1976 member of the West Tennessee Democratic Caucus. He worked for such statesmen as Congressman Robert ''Fats'' Everett, Congressman Ed Jones, Senator Jim Sasser and Senator and Vice President Al Gore. He also worked for Tennessee Governors Frank Clement, Bufford Ellington, Ray Blanton, Ned McWhether and Phil Bredsen. Robert has also worked for members of the Tennessee General Assembly, including his son, Paul Phelan, who served for 10 years as a state representative.

Mr. Speaker, please join Robert's friends, family and me as we recognize his dedication and service to our community.

IN MEMORY OF SALVATORE ''SAL'' FAZZINO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. ESHOO. Mr. Speaker, it is with a profound sense of sadness that I rise to honor the memory of a good and honorable man, Salvatore ''Sal'' Fazzino, who passed away on Saturday, July 19, 2003.

Sal Fazzino was a first generation American whose parents immigrated from Sicily to Ellis Island. Born in Middletown, Connecticut, Sal served his country during World War II and was stationed in the Philippines. Upon returning from the War, Sal vacationed in Florida and met his future wife Dolores. They were the proud parents of three sons: Gary, Wayne and Brian, and a daughter, Donna.

It was his dedication to his children that inspired Sal in the mid-1960's to drive his family across the country, moving to California. Without a job or any job prospects, Sal bought a house in Palo Alto so that his children would be the beneficiaries of the Palo Alto school system.

With a high school education and vocational training, Sal went to work at the Stanford Linear Accelerator Center repairing the facility's air conditioning. He became an avid follower of local politics, guided by ''Harry Truman-like common sense.'' One of his proudest moments was when his son Gary became the Mayor of Palo Alto. He was a sound advisor to his son, consistently reminding him of the needs of the middle-class in Palo Alto . . . many like himself who moved to the city when it was predominately a middle class community.

In 1994, Sal lost his wife Dolores. In spite of this loss, Sal continued to be active in the community through the Menlo Park Italian-American Social Club, and serving as President of the Amici Club. It was through the Italian-American community that Sal met his second wife, Mary, whom he was married to for the past five years.

Mr. Speaker, I ask all my colleagues in the House to join me in honoring Sal Fazzino and extending our condolences to his family. His life exemplifies the best of America . . . serving his country in uniform, raising four fine children, taking risks so that their future would be better, and giving back to his community. Sal Fazzino distinguished himself as a loving husband, a great father and a proud citizen of the country he loved. We, in return today, pay tribute to a great American.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. COOPER. Mr. Speaker, I rise today to offer my sincerest congratulations to the American Political Science Association on the 50th anniversary of its Congressional Fellowship Program. I am also personally deeply

grateful to the APSA for the privilege of working with one of the program's most talented fellows this year, Dr. Frances Lee of Case Western Reserve University.

Frances has been a true delight and an invaluable asset to my office. Both my staff and I feel honored to have had a chance to benefit from her many-faceted intelligence, her unstinting hard work, and her ever-cheerful demeanor. In her short time with us, she has worked on several projects of both local and national impact that are of special importance to my constituents back in the Fifth District.

For example, Frances took principal responsibility in preparing a comment letter to the Internal Revenue Service, protesting its ''precertification'' proposal for recipients of the Earned Income Tax Credit. This credit provides approximately $89 million in refunds to the hard-working families of my district each year, and its benefit to my constituents cannot be overstated. Frances worked with both local and national community groups and advocates to help raise awareness of the IRS proposal, which would have imposed an onerous bureaucratic burden on EITC beneficiaries by requiring them to ''register'' for this credit in advance. Frances meticulously researched the details of the IRS plan and crafted a well-written and persuasive letter urging the IRS to reconsider the impact of its proposal. Her efforts have drawn not only attention from the media but the interest of community groups in Nashville, who are now working with our office to make free tax assistance more readily available in our community. I cannot thank her enough for what her work will do to help ensure that my constituents continue to receive the tax credits they have earned through their hard work.

In addition to this effort, Frances provided our office with valuable assistance and advice on issues as varied as diversity in media ownership, prescription drugs and Medicare and social security. She also worked on projects critical to local economic development and charity.

Both my staff and I will miss Frances deeply, and on behalf of my staff, I wish her the very best in all of her future endeavors. And to the APSA for granting us the opportunity to work with Frances, I again offer my sincerest thanks.

HONORING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. SCOTT of Virginia. Mr. Speaker, I would like to take a moment to draw attention to the 50th anniversary of the American Political Science Association (APSA) Congressional Fellowship Program.

The goal of the APSA Congressional Fellowship Program is simple: to help participants better understand Congress. It is the oldest such program on Capitol Hill, designed to place highly skilled professionals from a broad spectrum of backgrounds in congressional offices for nine months as legislative aides. Over the years, the highly selective, nonpartisan program has grown from its beginnings with six fellows in 1953 to the current program, which selects between 40 and 45 professionals who have built impressive records of accomplishment as political scientists, journalists, sociologists, domestic and foreign policy government specialists, health policy experts and international scholars. The relationship between the fellow and the Members of Congress is a symbiotic one as Members obtain access to new sources of expertise, while fellows obtain first-hand perspectives about life on the Hill. There is, after all, no substitute for practical experience to understand Congress as a living institution. I wish to place on record my support for it.

I have had the privilege to be associated with two APSA fellows in my office during the time I have been serving in the House of Representatives. As it turns out both are female journalists from foreign countries. Fardah Assegaf from Indonesia worked at the National News Agency of Indonesia, and served in my office in 1993. Michelle Phipps-Evans from Trinidad and Tobago worked at the Washington Afro American Newspapers and is serving this year. Both have been invaluable in the levels of writing and researching they have brought to the table. Each acted as full members of my staff advising me on various issues.

Other enrichment opportunities continue through the program with the Wilson Seminar Series, which augment the legislative experience with speakers closely involved in the legislative process. A state-federal legislative comparative program at the State House in Annapolis, Maryland, and the Canadian Parliamentary Exchange provide further education. During the Canadian exchange, fellows provide their northern colleagues with a one-week orientation to Congress and receive a similar program through the House of Commons in Ottawa, Canada.

Upon completion of the year on Capitol Hill, which often includes experience in both the House and Senate, the fellows return to their previous employment where their understanding of the political process becomes integrated and disseminated, with a kind of ripple effect among their colleagues. This knowledge of the workings of government enhances their future participation in the democratic process.

Mr. Speaker, I salute the APSA Congressional Fellowship Program, which has given over 1,800 individuals what can only be called an ''opportunity of a lifetime.''

CARICOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TOWNS. Mr. Speaker, last February, members of the Caribbean Community (CARICOM) met to discuss the prospect of creating a single Caribbean market economy. In mid-April, members of the Organization of Eastern Caribbean States (OECS), a CARICOM subgroup, gathered to examine a similar proposal. Despite widespread enthusiasm among OECS members for economic integration, CARICOM participants Jamaica, Barbados, and other non-OECS members have expressed their reservations. In response to strains caused by declining tourist revenue and highly competitive pricing in the tropical fruit sector, some of the smaller Eastern Caribbean islands are recognizing that their interests and the interests of other CARICOM members do not always fully coincide. The disagreements between OECS members and the remainder of the CARICOM states merit adequate attention on Washington's part if the final product of FTAA negotiations is to result in maximum economic benefits for our own citizens and for our neighbors to the South, including, of course, the English-speaking Caribbean.

As the economies of the region find themselves under increasing stress, and as diplomatic negotiations for the proposed Free Trade Area of the Americas marches onward, it seems clearer than ever that careful attention must be paid to the delicate economic relationships presently maintained by each of the hemispheric nations, both small and large. If the world's economy is to recover from its present downturn, and if future economic slumps are to be averted, planners must recognize that support for total economic integration is far from universal. They must strive to understand the reasons behind dissent, where it exists, and the reasons for support, where it thrives. It may very well be that principles of free trade can be implemented more effectively in some places rather than in others, where local economic fundamentals do not entirely coincide with those of the main players, like the U.S.

The following research memorandum was authored by Justin Vance, a research associate with the Washington-based Council on Hemispheric Affairs (COHA), a nonpartisan, tax-exempt organization that has long been committed to addressing issues associated with human rights, democracy and economic justice throughout the western hemisphere.

Fueled by a greater sense of urgency regarding the forging of a single market economy than some of their neighbors and fellow members in the Caribbean Community (CARICOM), the prime ministers of the Organization of the Eastern Caribbean States (OECS) met in mid-April 2003 to discuss the future of their economic relations. The seven permanent members of the OECS are Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. Their governments have already passed EU-style measures that allow people to move freely across each other's borders. New passports for the Eastern Caribbean States are expected to be issued by 2004, while Antigua, St. Kitts, Montserrat, and St. Vincent have further accelerated their economic integration by also allowing the free movement of labor within the island group. The necessary planning to implement a single market economy would obviously take longer, but the group hopes to implement its integration by 2005. ''This is only advancing by two years what is really going to take place,'' said St. Vincent Prime Minister Ralph Gonsalves, possibly alluding to the fact that CARICOM is aiming for its own single market economy by 2007, only two years after its original date.

Most people tend to associate the Caribbean with stunning beaches and refreshing oceans. Some insist it is as close to paradise as one can find. Indeed, the Caribbean islands have plentiful resources and boast a soil structure that is perfect for growing a wide array of crops. Despite these riches,

many Caribbean residents equate their alleged Eden more closely with Hades, as they struggle to feed their families. Some EC islands are among the most underprivileged in the world, with an increasing disparity between the rich and poor. Though the per capita GDP of most of the islands is increasing, they are still far behind that of the developed nations.

The Caribbean islands have long faced an array of dilemmas. To cope with some of these, the Treaty of Chaguaramas, signed in Trinidad on the 4th of July 1973, established the Caribbean Community known as CARICOM. The organization has taken on evolving objectives including improving standards of living, safer working conditions, full employment, and enhanced levels of competitiveness and productivity. During the twenty-third meeting of the Conference of Heads of Government of the Caribbean Community in July 2002, Mr. Edwin W. Carrington, CARICOM's secretary-general, called upon those in attendance to celebrate the organization's 30th anniversary by implementing the Caribbean Single Market Economy (CSME). In what may be an understatement, Jamaican Prime Minister, Percival J. Patterson, observed, ''Our situation no longer permits time just for talking. It is high time for action here and now. In today's world there is no question of simply standing still. Just to mark the time is to be left behind.''

Some island governments argue that the creation of a single market economy that would allow goods, services, people and capital to move freely throughout the Caribbean would be a bonanza for their citizens. They insist that the CSME will increase production and trade among member countries while it also improves the quality of goods and the competitiveness of their prices, creates jobs and improves living standards. Others, such as The Bahamas, contend that such an agreement would infringe on their sovereignty. It may sometimes appear easier and seemingly more beneficial for an island nation to enter into a bilateral agreement with a single country rather than with a multiplicity of its neighbors and fellow CARICOM members.

The Bahamas is content to be a part of CARICOM, but hesitant to integrate into a single market economy. According to Bahamian Prime Minister Hubert A. Ingraham, ''the 'free movement of people' aspect of the SME would have serious social and political implications for The Bahamas, given its unique position as the target for massive unregulated migration from many countries.'' This realistic fear of a domestic job market that becomes inundated by floods of migrants from nearby islands appears justified when one looks at the statistics. The Bahamas currently enjoys a GDP per capita of $16,800, while the average for other CARICOM members is only $5,500. The unemployment rate in The Bahamas is a low 6.9% compared to the average rate of 16.6% in other CARICOM nations, (If Haiti is excluded, the average drops to 13%). CARICOM members believe that their economic problems will be ameliorated once they become a part of the proposed Free Trade Area of the Americas (FTAA), making them even more competitive on the international level. Although Bahamian officials plan on negotiating in collaboration with CARICOM, they have confirmed that they are prepared to voice opinions that are at variance with the latter's initiatives in order to protect their interests as well as ensure the proper treatment of some of the other smaller, developing economies.

Jamaica also on occasion has exhibited what could be called anti-CARICOM tendencies by negotiating a unilateral air services agreement with the Federal Aviation Administration (FAA) in Washington. CARICOM members supposedly were working collectively towards a deal with the FAA, but Jamaica skirted what it saw as a slowmoving CARICOM out of fear of further jeopardizing its already hemorrhaging tourist industry. The Bahamas and Belize have also shown themselves to be willing to strike separate deals with the U.S. As tourism generates a large part of the foreign currencies for these nations, it was a matter of utmost importance to them to reach an agreement.

In view of their individual interests, CARICOM's characteristic grindingly slow approach was producing paralysis. In response to the organization's long term aspirations to also form a political alliance as well, Prime Minister P.J. Patterson confirmed that Jamaica considers CARICOM a ''community of sovereign states'' and that his country would have no part of it, though they respect and support the rights of other CARICOM nations to negotiate accordingly, if they so desire. These types of divergences are what have kept CARICOM from implementing the single market economy about which they have been talking for the last fifteen years.

Another deterrent to CARICOM's quest for economic unification is the fact that the Caribbean Islands all have fairly similar economies. Chicago School neoliberal economic scholars advocate strict adherence to the law of comparative advantage, specialization, and unfettered access to markets. They insist that if the above criteria are present, an economy will maximize production and benefit from the gains of trade. In the Caribbean, however, specialization has proven difficult due to the similarity of its economic profiles.

Antigua, The Bahamas, Barbados, and Jamaica all depend heavily on tourism. For example, over 60% of the Bahamas' GDP comes from tourism. Over 50% of Belize's exports are from cane sugar, while St. Kitts also relies heavily on sugar, despite the commodity's falling price. St. Lucia and St. Vincent's primary income comes from the production of bananas, but competition involving this fruit is fierce as Central American countries are able to produce at a considerably cheaper price. Dominica also relies on bananas, but since Hurricane Luis in 1995 devastated the crop, the country has relied upon construction and such non-traditional commercial activities as soap production to fuel its recovery.

Guyana has a large mining industry based on numerous gold deposits, but lacks the required skilled labor to fully exploit that commodity. Other resources found on the islands include bauxite, petroleum, and natural gas. This dependence on tourism and limited amounts of economic diversity among the islands has pressured CARICOM members and increased inter-island competition, as they at the same time seek out various bilateral agreements with other countries that best meet their needs. Perhaps for this reason, members of the Organization of Eastern Caribbean States (OECS) have sought a single market economy sooner than CARICOM, hoping to do what the larger body has failed to accomplish thus far.

Some observers claim the OECS is pushing to form a free trade agreement apart from CARICOM in an attempt to increase their collective bargaining power. Such an alliance would allow CARICOM's smaller member states to contract services collectively—including telecommunications services, which are currently over-priced due to their micro markets—as well as to import goods at lower prices through unified buying power. The island nations aspire to eventually be seen as a larger market and to profit from economies of scale that will also strengthen their voice in an already complex global economy, and, of course, in upcoming FTAA negotiations.

Though not a single market economy, The North American Free Trade Agreement (NAFTA) between Mexico, the U.S., and Canada was met with considerable opposition when first proposed. It is the world's most extensive free trade agreement short of a common market. Since the beginning of its implementation in 1994, some tariffs have been completely eliminated while others will drop until they too disappear in five, ten, or fifteen years. From 1993 to 2001, bilateral trade between the U.S. and Mexico increased 188 percent. But despite these seemingly beneficial statistics, opponents still point out that hundreds of thousands of Mexicans have been negatively affected due to rising unemployment rates brought about by a contracting economy. In the first three years of NAFTA, over 2 million Mexicans lost their jobs. Many American and Canadian workers also lost out as companies moved south of the border in search of cheap labor. One convincing argument now being made is that those who benefit from NAFTA tend not to need it, while those who suffered before, continue to suffer, but even more dramatically.

At the beginning of the year, U.S. officials announced the commencement of discussions concerning the Central American Free Trade Agreement (CAFTA). The hope of negotiators is to eliminate tariffs and other economic barriers to the expansion of manufactured goods, agriculture, and services, as well as increasing FDI and portfolio investment between the United States and Central America. Over 50 programs will be initiated to help Central American countries compete on an international level. It remains to be seen, however, whether CAFTA will truly help stabilize the area's economies and bring relief to all strata of Central American societies.

Some Caribbean authorities feel that a NAFTA-like prescription for the Caribbean would have a monumental effect on the area as the islands' individual economies are becoming more and more obsolete in the international market, based as they are on high cost sugar and banana cultivation as well as an increasingly fickle tourist industry. According to the CARIBNews, the OECS hopes to implement a single market economy by 2005 because ''the region is likely to be exposed to tough competition as it joins Latin American and North American countries in signing onto the Free Trade Area of the Americas.''

Dr. Richard Bernal, director-general of the Caribbean Regional Negotiating Machinery (CRNM), has said that the Caribbean will inevitably have to increase its participation in the global economy. Its advocates say that each of the nations in the Caribbean region would benefit greatly from being a part of the FTAA, as their worldwide markets would almost certainly expand. But some of the smaller and lesser-developed countries' fate could be far more problematic. If the U.S. and other large economies are interested in what the smaller countries have to offer—such as Guyana's gold and bauxite—they will need to include provisions that help those countries develop instead of marginalizing their exports and forcing down their prices, which will only add to the poverty that already is widely found. The OECS members who are seeking a single market economy and integration within the FTAA will soon know whether their economic prospects under the pending trade pact will fulfill the abundance of sales talk they have heard over the past few years.

REMEMBERING THE LIFE AND ACCOMPLISHMENTS OF RALPH R. ''RONNEY'' SNELL

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TANNER. Mr. Speaker, I rise today to recognize the extraordinary life and accomplishments of Ralph R. ''Ronney'' Snell, CPO, FAAOP, who passed away in Memphis, Tennessee, on May 11. Mr. Snell's death is a great loss to his family, his friends and members of the Orthotic & Prosthetic field.

Ronney dedicated his career to improving the quality of life for his patients and contributed greatly to the success of many Orthotic & Prosthetic companies. As a third generation Orthotic & Prosthetic practitioner, Ronney presided over his family's business, Snell's Limb and Braces, Inc., for 16 years.

Ronney served on the board of directors of Durr Fillauer Medical Inc., he served as president of Prosthetics and Orthotics Development Inc., and as director of research and development and production for Florida Brace, Inc. In addition, Ronney served as director of prosthetics and orthotics at Baptist Hospital in Memphis, Tennessee. Ronney founded his own company, C.F.I. Prosthetics & Orthotics in Memphis, and later worked as area manager for J.E. Hanger in Kentucky and Tennessee.

Ronney earned his certification in prosthetics in 1957 and orthotics in 1975. He made countless contributions to his profession, and he shared his knowledge and experience with everyone he met by serving as president of every major Orthotic & Prosthetic organization. Ronney was president of the American Board for Certification in Orthotics and Prosthetics in 1969, and he helped organize the American Academy of Orthotics and Prosthetics. Ronney became the Academy's first president in 1971 and was named a fellow member in 2002. Furthermore, Ronney served two terms as president of the American Orthotic and Prosthetic Association, the first in 1974–1975 and the second in 1998–1999.

Perhaps, Ronney will be remembered most as a mentor and teacher. Ronney held a number of teaching positions to pass along his knowledge and expertise to others. He served as a clinical instructor at the University of Tennessee's Department of Physical Therapy; he was an assistant professor of orthopedics for the University of Tennessee's rehabilitation engineering program and served as an instructor of Orthotics & Prosthetics at Northwestern University.

Ronney's life-long passion was dedicated to helping others and making a difference in their lives. His generosity and loving nature were evident in his active participation with St. Jude Children's Research Hospital and the donations he made in support of his ideals.

With all the lives he touched and the contributions he made, Ronney earned a wealth of accolades, including American Orthotic and Prosthetic Association's prestigious Lifetime Achievement Award, the Academy's Titus-Ferguson Award for a lifetime of achievement and a special tribute created by American Orthotic and Prosthetic Association, American Board for Certification in Orthotics and Prosthetics, and the Academy to recognize his leadership in all three organizations.

Ronney Snell leaves behind a long legacy of selfless servitude to the field of Orthotics and Prosthetics, and to his family and friends. Ronney set an example for all of us to follow, and he will be greatly missed.

Mr. Speaker, I ask that you join me in honoring a distinguished public servant, an outstanding citizen and my friend, Ronney Snell.

PERSONEL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Monday, July 21, I was unavoidably detained due to a prior obligation. I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted ''yes'' on rollcall No. 398, ''yes'' on rollcall No. 399, and ''yes'' on rollcall No. 400.

HONORING LARRY ALLEN

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Larry Allen, a retired police officer from my hometown of Tarpon Springs who offers free computer classes to children in my congressional district.

Mr. Allen retired from the Tarpon Springs Police Department earlier this year after thirty years of dedicated service. He joined the force after high school because he wanted to serve the community in which he was raised. Mr. Allen, however, wanted to continue serving the community he once protected after his retirement. Consequently, he devotes much of his time to the Department's Cops and Kids program, which teaches children how to use, repair, and take care of computers.

The program, which allows six youngsters to participate on a rotating basis every six weeks, enables its participants to get individualized instruction that they may not otherwise receive at school. This attention allows the students to learn how to use computers as educational tools and learn more than they would without the benefit of those skills.

I am pleased that many individuals and businesses from my congressional district have supported this effort by donating computers to the program. These machines are refurbished and loaded with current software which allows the students to take computers home to assist with their school work.

Mr. Speaker, the Cops and Kids program is a shining example of what can be accomplished by dedicated individuals who care about their community. Larry Allen is one such person; a man whose career in law enforcement made Tarpon Springs a safer place to live and work and whose concern for his community has improved the lives of many children in it. I am proud to represent Mr. Allen in Congress and commend him both for his police career and his service in the Cops and Kids program.

NATIONAL NIGHT OUT SUPPORTS THE NATIONAL CHILD IDENTIFICATION PROGRAM

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BRADY of Texas. Mr. Speaker, I rise today to commend the National Association of Town Watch and its National Night Out program for supporting the National Child Identification Program (NCIDP), a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation to provide identification kits to parents and guardians to help locate missing children. In addition, I applaud the AFCA and the FBI in their efforts to register 2 million more children in the NCIDP by August 5, 2003, the same day that National Night Out will celebrate its 20th anniversary.

The National Association of Town Watch (NATW), a national nonprofit community-crime prevention association located in Wynnewood, Pennsylvania, organizes the annual National Night Out. The National Night Out program develops relationships between local community and law enforcement officers in order to build safer and more secure neighborhoods to reduce crime, decreases local violence, and lowers the demand for drugs. NATW provides information, program support and technical assistance to local citizens and communities to support community-crime prevention. The National Night Out campaign involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from 9,850 communities from all 50 States and U.S. territories. In all, 33 million people participated in National Night Out in 2002.

I have participated in National Night Out several times and seen first hand its effectiveness in creating and supporting community crime watch programs. National Night Out has a greater presence in my State of Texas than any other state in the nation and the one in The Woodlands, Texas, my home town, has been named a national community-watch award winner for several years running.

As we all know, child safety and child protection have grown as important priorities for communities in recent years. Throughout its history, National Night Out has used its community crime-prevention message and its community-based networks to address major crime-related issues. National Night Out has proven to be a powerful tool for building stronger, safer neighborhoods, reaching more than 33 million Americans in nearly 10,000 cities and towns in 2002, making it the Nation's largest grassroots crime-prevention program.

This year, National Night Out will support the NCIDP in its efforts to provide parents with I.D. kits to collect and keep specific information, such as fingerprints, that would give authorities vital information in cases of missing children. While more than 800,000 children a year are estimated to be missing each year, less than 2 percent of all parents had a copy of a child's fingerprints to use in case of emergency. This initiative can change that reality and help protect children.

Mr. Speaker, supporting the NCIDP is just one example of the value of the National Night Out program and the important role of NATW.

National Night Out, which receives part of its funding from the Edward Byrne Memorial Grant program, is one of the fastest growing, cost effective community anti-crime programs in the nation. I understand the value of National Night Out and, as a result, have asked appropriators on the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee to support National Night Out funding.

Mr. Speaker, for consideration by my colleagues, I have enclosed a memorandum on the NCIDP from the Federal Bureau of Investigation to mayors across the United States explaining this year's National Night Out initiative in more detail. I respectfully request that it be included in the RECORD.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Clarksburg, WV, April 11, 2003.

Re community call to action.

LETTER TO ALL HONORABLE MAYORS

According to a U.S. Department of Justice study, about 58,200 children are abducted each year by non-family members with about 45 percent of those incidents being perpetrated by strangers. This startling statistic caused the American Football Coaches Association (NFL, NCAA, and high school coaches nationwide) to launch the National Child Identification Program (NCIDP). The FBI has partnered with the Coaches Association in this not-for-profit program with the goal of providing inkless fingerprint identification (I.D.) kits far all 60 million children in the United States.

The FBI is separately partnered with National Night Out which recently has also partnered with the AFCA's National Child lD Program in an effort to further increase awareness for child safety. The National Association of Town Watch introduced National Night Out, ''America's Night Out Against Crime,'' in 1984 and continues to heighten awareness and strengthen participation in anticrime efforts throughout communities nationwide. National Night Out, the NCIDP, and the FBI hope to set a record on August 5, 2003, for the most ID kits distributed within a single day in history.

In an effort to reach our goal, we are encouraging every city across the U.S. to participate in the National Night Out on Tuesday, August 5, 2003. Information for obtaining NCIDP's inkless fingerprint ID kits for the National Night Out may be found at its website http://www.nutw.org/nno/. The National Night Out website provides you with complete information on how to plan your event, as well as a way to obtain supplies, including the child ID kit. Registration for the event is free and once registered, you will receive an organizational kit filled with ''how to'' materials such as: promotional ideas, guidelines, tips, Q&As, camera-ready art, sample news releases, and proclamations. Act quickly so that you do not miss this opportunity to communicate the issues of safety with your community on August 5, 2003. Registration is easy and can be completed online by following these four easy steps: Identify a Contact Person; go to the National Night Out website http://www.nutw.org/nno/; register online, it's free; and publicize your event.

Many law enforcement agencies and corporations are currently combining the distribution of the NCIDP kits with other prevention, drug awareness, violence education, and community outreach programs. For more information on the NCIDP and how you can help protect children in your community, visit their website at *www.childidprogram.com* or call (234) 630–2245.

It is paramount that we do all we can to ensure the safety of our children. Your organization can be a prime vehicle in that endeavor. Thank you for your help in this important cause.

JOHN S. HOOKS, JR.,
Deputy Assistant Director,
Policy, Administrative and Liaison Branch.

IN SUPPORT OF H.R. 2357, LEGISLATION EXTENDING HEALTH CARE BENEFITS TO FILIPINO VETERANS

SPEECH OF

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. CASE. Mr. Speaker, Filipino veterans have waited nearly 60 years for Congress to take the first steps to undo an injustice inflicted upon them. I was pleased to see our Nation finally begin to take those steps by passing H.R. 2357.

When the United States asked the Philippines to help America fight the long and difficult battles of World War II, nearly 200,000 Filipinos responded. They responded without hesitation to defend their homeland and to answer the call for help. In return, President Roosevelt promised that Filipino veterans would become U.S. citizens and thus have the same benefits given to all other U.S. veterans. In October 1945 General Omar Bradley, Administrator of the Veterans Administration, reaffirmed that they were to be treated like all other American veterans and would receive full benefits.

Yet, in 1946, the U.S. Congress broke this promise to the Commonwealth Army and the recognized guerrilla forces by enacting the Rescission Act (Public Law 79–301). Congress broke the same promise made to the New Philippine Scouts when it passed the Second Rescission Act (Public Law 79–391). The Rescission Acts stated that the World War II service of Filipinos would not be treated as recognizable military service. These acts took away their benefits.

I am pleased to add my voice to those in this Chamber, both today and for decades past, that want us to face up to this injustice. The legislation (H.R. 2357) passed by the House on July 21, 2003 authorizes the Department of Veterans' Affairs to provide hospital and nursing home care and medical services to certain Filipino World War II veterans of the Philippines Commonwealth Army and former Philippines New Scout veterans who permanently reside in the United States, in the same manner as provided to U.S. veterans. The bill would provide health care benefits to approximately 14,000 Commonwealth Army and New Philippines Scout veterans who are permanent and legal residents of the United States.

I support this legislation, but it is time for this Congress to turn its attention to the approximately 30,000 Commonwealth Army and New Philippines Scout veterans living in the Philippines who served alongside American soldiers, risked their lives during World War II, yet were denied the veterans' benefits that were promised to them. The passage of H.R. 2357 does not release the United States from its moral obligation to provide Filipino veterans, regardless of where they live, the benefits that were unfairly taken away from them in 1946.

Filipino veterans are now in their 70s and 80s, and we lose approximately five Filipino veterans each day. They are in desperate need of health care. It is time for this Congress to do the right thing and provide them with the benefits they earned during the World War II campaigns.

I thank my colleagues for passing H.R. 2357, and urge them to continue to push toward full equity for Filipino veterans.

HONORING JOSEPH F. ZABALDO, RECIPIENT OF THE GOLD LIFE-SAVING MEDAL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BLUMENAUER. Mr. Speaker, it gives me great pleasure to honor Mr. Joseph Zabaldo, World War II hero and Oregon resident. While in service, Mr. Zabaldo was a radioman in a B–29 bomber over the Pacific Ocean, near Japan. On or about July 1, 1945, Mr. Zabaldo's plane went down, crash-landing in the ocean. As the crew assembled in a life raft near the sinking B–29, Mr. Zabaldo noticed a fellow soldier tangled in ripped cable and wiring inside the wrecked bomber. As the soldier, who could not swim, frantically tried to untangle himself, Mr. Zabaldo went to his rescue, at great risk to his own life. Freeing the frantic soldier from the sinking plane, Mr. Zabaldo swam him to safety.

For his efforts, he was awarded the Coast Guard's prestigious Gold Lifesaving Medal. However, in the mix of World War II, Mr. Zabaldo never actually received the medal. His grandson, Jared, contacted my office and informed us of this situation. Now, 58 years later, it is my pleasure to be able to secure the actual medal for Oregon's hero. On Wednesday, July 23, 2003, Joseph F. Zabaldo will be awarded the Gold Lifesaving Medal for his heroic act in World War II.

ROAD TO PEACE IN SUDAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. TOWNS. Mr. Speaker, as you are keenly aware, the Road to Peace for the people of Sudan has been long and perilous. Yet the prospect for a lasting peace may finally be at hand. Negotiations among the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) have been ongoing over the past 10 months under a renewed commitment to peace and with a determination to resolve the important issues that remain.

I observed today, the debate on H. Res. 194 regarding the importance of international efforts to abolish slavery and other human rights abuses in Sudan. Mr. Speaker, I share the concerns of my distinguished colleagues and their desire to see an end to slavery and human rights abuses, be it Sudan or elsewhere in the world. But while we cannot condone or ever forget the past, in my view the

interests of the people of Sudan are best served by focusing on the future and finding lasting peace and stability for the region.

On April 21, 2003, President Bush, in his Presidential Determination Under the Sudan Peace Act, certified that the government of Sudan and the People's Liberation Movement (SPLM/A) are negotiating in good faith. This historic event underscores the government of Sudan's commitment to peace and sets the stage for a negotiated peace agreement and the chance for dignity, prosperity and a better way of life for the people of Sudan, especially for Sudanese children.

Mr. Speaker, there will be those who will criticize the president's decision and who will focus on past history while giving little recognition to the positive events of the past year. The tragedy of such criticism is that it promotes a policy of divisiveness instead of unity which would enhance the prospects for peace and stability to the region. Even more troublesome is that such criticism shifts the focus from the real prospects for peace that now exist. While progress on the peace front has not been without set backs, positive developments have and continue to occur and should not be ignored.

Mr. Speaker, the release of special envoy John Danforth's April 2002 report ''Outlook for Peace in Sudan'' put in motion the events to-date that have helped reestablish the present framework for peace. Following the Danforth report, an important first step towards peace was the signing of the Machakos Protocol, on July 20, 2002, resolving the major issues of self-determination for the south and the separation of state and religion. In September 2002, peace talks resumed under a negotiated ceasefire agreement and in October, 2002, the government of Sudan and the SPLM/A signed a Memorandum of Understanding (MOU) to allow unimpeded humanitarian access to all areas and to people in need, in accordance with the Operation Lifeline Sudan (OLS) agreement.

In addition, an addendum to the October 2002 MOU on cessation of hostilities was signed to add new mechanisms to strengthen implementation. Later in February, the human rights group Amnesty International was invited to visit Sudan for constructive dialogue on human rights issues.

On March 4, the mandate of the Civilian Protection Monitoring Team (CPMT) was extended for another year. Later in March, the ceasefire agreement was extended to June 30, 2003. Most recently, on May 1 the United Nations secured the opening of a new corridor in southern Sudan to enhance humanitarian access to the region.

Mr. Speaker, I hope my distinguished colleagues will view these developments as testimony to government of Sudan's commitment to achieving a lasting peace for the benefit of all our people.

While these and other events give hope for peace and a permanent end to hostilities, there are many of my colleagues who remain skeptical.

There remain roughly 90 days before the next ''determination'' under the Sudan Peace Act must be made. I would call on my colleagues to join me in supporting an NGO-sponsored fact finding delegation mission to Sudan and an accompanying report on the findings to assist in fully understanding the current situation in the Sudan with regard to allegations of slavery, human rights abuses and religious persecution.

Mr. Speaker, the situation in Sudan is the product of nearly a half-century of conflict and political divisiveness. While we must never forget the past, the interests of the Sudanese people will be best served by focusing in the future and achieving lasting peace.

We look forward to the day when peace is at hand and when U.S. sanctions can be lifted and Sudan removed from the state terrorist sponsors list. Only then will the people of Sudan be able to receive the benefits of American ingenuity, technology and investment for their sustained growth and economic prosperity.

HONORING THE LEGACY OF RAÚL JULIÁ

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. GUTIERREZ. Mr. Speaker, today I introduce legislation to honor the achievements of the late Raúl Juliá by awarding his family the Congressional Gold Medal. I am pleased that 31 of my colleagues have joined me as original cosponsors of this important resolution.

Whether he played Edmund in Shakespeare's King Lear, or Valentín in The Kiss of the Spiderwoman, or Rafael the fix-it-man on Sesame Street, the passion and talent that Raúl Juliá exhibited in his work made him an inspiration for actors of all backgrounds. Raúl Juliá took risks in the projects he chose and the success of these risks was an inspiration of aspiring actors everywhere and especially in his native Puerto Rico.

Raúl Juliá often chose to forgo traditional plays and Hollywood blockbusters for such innovative roles as a Fellini-esque filmmaker in the Broadway musical Nine or as slain Salvadoran Archbishop Oscar Romero in the movie Romero. Best known for his roles as Gomez Addams in The Addams Family and as Chico Mendez in The Burning Season, he was nominated for four Tony awards in 10 years, and posthumously received the Emmy Award, Golden Globe Award and the Screen Actors' Guild award.

In addition to his talents on the stage and screen, Raúl Juliá was an activist on both local and global levels. He was a spokesperson for the Hunger Project, a nonprofit organization committed to the eradication of world hunger, and was also involved in La Familia, a New York City outreach program for Latino families in need. Raúl Juliá's immense success did not diminish the immense generosity of his spirit and dedication to helping actors from Puerto Rico and elsewhere. His long-standing association with the New York Public Theater and the New York Shakespeare Festival opened doors to nontraditional parts for Hispanic actors. He co-founded the Latino Playwrights Reading Workshops and was instrumental in the creation of the Puerto Rico Traveling Theater, which showcases bilingual plays and Hispanic playwrights and actors, while bringing theater to those who cannot ordinarily afford it.

In 1994, thirty years after he made his Broadway debut in Spanish playwright Calderón de la Barca's Life is a Dream, Raúl Juliá's life and career were cut short by a fatal stroke. He was given a state funeral in Puerto Rico, where thousands of people attended as a testimony to his many lasting achievements.

Mr. Speaker, I ask my colleagues to please join me in finally recognizing and honoring Raúl Juliá's great contributions to the Latino community and to the performing by cosponsoring this legislation.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Ms. WOOLSEY. Mr. Speaker, yesterday I hosted a townhall forum with my constituents to discuss the Republicans' prescription drug plan and how it will harm America's seniors.

As a result, I missed rollcall votes 398–400. Had I been present, I would have voted: No. 398—''yea'' No. 399—''yea'' and No. 400—''yea.''

IN MEMORY OF JUNE KEEFE OWENS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. BEAUPREZ. Mr. Speaker, the occasion upon which I rise tonight is not one I looked forward to. The duties of our office can at times overwhelm us, but the privileges of this floor are also humbling. And it is with humility that I have the honor of submitting these words in memory of a dear lady, the mother of a good friend, for the RECORD.

Recently, the Governor of Colorado lost his mother, June Keefe Owens, on July 16 following a tragic stroke. While she can never be replaced, the warmth of her smile will never be lost.

Mrs. Owens was born in Fargo, ND, met her husband in Minneapolis, was married in New Jersey, raised her family in Texas, and spent her golden years in Colorado. She raised five wonderful children—Mike, Mary K, Bill, Betsy, and Kelly—and eleven grandchildren—Brad, Jennifer, Matthew, Patrick, Michael, Monica, Julie, Mark, Brett, Ellen, and Laura.

She was an energetic volunteer, who spent her time in Colorado volunteering for the Cancer League, Porter Hospital, and the Cherry Creek Republican Women's Association. And while I never sat down with her for bridge, I understand she played a mean hand.

Looking back, I can remember many engaging conversations with Mrs. Owens, but it was rare when the two of us spoke alone. Everywhere she went, June attracted a crowd with her pleasant smile, warm words, and genuine kindness. I remember well her words of hope and encouragement during my campaign last year. In politics, we see all too often when a person's kindness is but fleeting. People say ''good luck'' or ''I'm pulling for you,'' and you just know it's mostly out of obligation to say something. Her kindness was much deeper—in her soul, she really cared about the lives of those around her, and had the ability to touch and warm your heart as too few are able to do.

They often say that a person's legacy is what you leave behind. June left behind a terrific family full of life and full of love. Today one child is in technology, one is a homemaker, another a diplomat, one an educator, and one a Governor. They are each an amazing story of success. She was so proud of them all. And that pride was well returned. Never did I see her children around her without genuine and fond admiration for their mother.

She was also vigilant about serving God and saved a pew every Sunday for her family, just in case. She would often call the Governor just to make sure he had been to Mass during the week. Her faith went much further than Sunday mornings. It was part of her every moment.

Mr. Speaker, I wish I had more words to describe this wonderful lady, but they seem to fall short. I thank my colleagues for this opportunity to pay my respects in this special way to June Keefe Owens—the wife of an army officer, the mother of a Governor, a smile that will be missed.

May she rest in eternal peace, and may comfort and strength be granted to those who loved and admired her so dearly.

DECLASSIFIED PORTIONS OF THE NATIONAL INTELLIGENCE ESTIMATE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. KING of New York. Mr. Speaker, as I stated yesterday, President Bush's adversaries—both in the political arena and the media—have chosen to ignore or distort the facts regarding Iraq's pursuit of a nuclear weapons program. To counter the numerous inaccuracies created by too many people who should know better, I am including in the RECORD the second half of the declassified portions of the National Intelligence Estimate released by the White House this past Friday.

STATE/INR ALTERNATIVE VIEW

. . . acquire nuclear weapons. Iraq may be doing so, but INR considers the available evidence inadequate to support such a judgment. Lacking persuasive evidence that Baghdad has launched a coherent effort to reconstitute its nuclear weapons program, INR is unwilling to speculate that such an effort began soon after the departure of UN inspectors or to project a timeline for the completion of activities it does not now see happening. As a result, INR is unable to predict when Iraq could acquire a nuclear device or weapon.

In INR's view Iraq's efforts to acquire aluminum tubes is central to the argument that Baghdad is reconstituting its nuclear weapons program, but INR is not persuaded that the tubes in question are intended for use as centrifuge rotors. INR accepts the judgment of technical experts at the U.S. Department of Energy (DOE) who have concluded that the tubes Iraq seeks to acquire are poorly suited for use in gas centrifuges to be used for uranium enrichment and finds unpersuasive the arguments advanced by others to make the case that they are intended for that purpose. INR considers it far more likely that the tubes are intended for another purpose, most likely the production of artillery rockets. The very large quantities being sought, the way the tubes were tested by the Iraqis, and the atypical lack of attention to operational security in the procurement efforts are among the factors, in addition to the DOE assessment, that lead INR to conclude that the tubes are not intended for use in Iraq's nuclear weapon program.

CONFIDENCE LEVELS FOR SELECTED KEY JUDGMENTS IN THIS ESTIMATE

HIGH CONFIDENCE

Iraq is continuing, and in some areas expanding its chemical, biological, nuclear and missile programs contrary to UN resolutions.

We are not detecting portions of these weapons programs.

Iraq possesses proscribed chemical and biological weapons and missiles.

Iraq could make a nuclear weapon in months to a year once it acquires sufficient weapons grade fissile material.

MODERATE CONFIDENCE

Iraq does not yet have a nuclear weapon or sufficient material to make one but is likely to have a weapon by 2007 to 2009.

LOW CONFIDENCE

When Saddam would use weapons of mass-destruction.

Whether Saddam would engage in clandestine attacks against the U.S. Homeland.

Whether in desperation Saddam would share chemical or biological weapons with al-Qa'ida.

Uranium Acquisition. Iraq retains approximately two-and-a-half tons of 2.5 percent enriched uranium oxide, which the IAEA permits. This low-enriched material could be used as feed material to produce enough HEU for about two nuclear weapons. The use of enriched feed material also would reduce the initial number of centrifuges that Baghdad would need by about half, Iraq could divert this material—the IAEA inspects it only once a year—and enrich it to weapons grade before a subsequent inspection discovered it was missing. The IAEA last inspected this material in late January 2002.

Iraq has about 550 metric tons of yellowcake and low-enriched uranium at Tuwaitha, which is inspected annually by the IAEA, Iraq also began vigorously trying to procure uranium ore and yellowcake; acquiring either would shorten the time Baghdad needs to produce nuclear weapons.

A foreign government service reported that as of early 2001, Niger planned to send several tons of ''pure uranium'' (probably yellowcake) to Iraq. As of early 2001, Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of this arrangement.

Reports indicate Iraq also has sought uranium ore from Somalia and possibly the Democratic Republic of the Congo.

We cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources. Reports suggest Iraq is shifting from domestic mining and milling of uranium to foreign acquisition. Iraq possesses significant phosphate deposits, from which uranium had been chemically extracted before Operation Desert Storm. Intelligence information on whether nuclear-related phosphate mining and/or processing has been reestablished is inconclusive, however.

ANNEX A—IRAQ'S ATTEMPTS TO ACQUIRE ALUMINUM TUBES

Some of the specialized but dual-use items being sought are, by all indications, bound for Iraq's missile program. Other cases are ambiguous, such as that of a planned magnet-production line whose suitability for centrifuge operations remains unknown. Some efforts involve noncontrolled industrial material and equipment—including a variety of machine tools—and are troubling because they would help establish the infrastructure for a renewed nuclear program. But such efforts (which began well before the inspectors departed) are not clearly linked to a nuclear end-use. Finally, the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious.

THE RETIREMENT OF MAJOR GENERAL ROBERT IVANY

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

Mr. PLATTS. Mr. Speaker, I would like to take this opportunity to recognize the accomplished military career and life of Major General Robert Ivany, Commandant of the United States Army War College in Carlisle, PA. General Ivany will officially step down as Commandant of the War College on July 28, 2003 and retire from the Army on September 30, 2003.

Three-year-old Robert Ivany, the son of World War II refugees from Hungary, immigrated to the United States with his parents following the war. Our country has greatly benefited from his presence here ever since.

Over the course of his 34 years of dedicated service in the United States Army, General Ivany served a combat tour in Vietnam, taught history at West Point, spent 2 years as an aide to President Ronald Reagan, and commanded forces throughout the world. General Ivany's career culminated with his appointment as the 45th Commandant of the War College at Carlisle Barracks, the Army's foremost institution for educating its leaders.

As Commandant, General Ivany has brought each institution on post together to be a more cohesive team and better focused on the overall goals of the War College. Perhaps his greatest legacy will be his tireless efforts to improve the quality-of-life of the students, and their families, while attending the War College, as well as the officers and soldiers stationed at Carlisle Barracks. General Ivany has begun the process of upgrading housing, constructing a new classroom, and renovating other facilities. His vision will help guide the War College for years to come.

I also want to express my deepest gratitude to General Ivany's family—his wife Marianne, sons Christopher, Marc, and Brian, and daughter Julianne. I am very much aware of and deeply grateful for the many sacrifices that military family members also make on behalf of their country.

Major General Robert Ivany is a true patriot and public servant. His profound patriotism and dedication to duty serve as shining examples of citizenship for all Americans to emulate. I offer my most sincere thanks for all that General Ivany has given our great Nation.

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

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. EMANUEL. Mr. Speaker I rise today in support of House Resolution 240, to establish National Community Health Centers Week. This resolution highlights the importance of health centers throughout the nation, and aids these organizations in promoting their valuable health services to the public.

Community health centers provide a wide range of essential health services, often to uninsured and underinsured individuals. Especially in this era when so many Americans remain uninsured, the role of community health centers in the health care system is critical. Among the important services provided are mental health care, senior care, HIV/AIDS services, substance abuse treatment, and immunizations. Filling a gap in providing care for low income individuals, including those without insurance, community health centers should be recognized for their dedication to the improvement of America's public health.

Thousands of these institutions operate nationwide, and in my own district in Illinois, the Melrose Park Family Health Center and the new Peterson Family Health Center are examples of the tremendous service they provide. More than 5,000 visits were made to the Melrose Park Family Health Center within three months after it opened in October 2002. Serving a wide variety of patients, many of whom have no insurance, the Center's most common services include immunizations, and treatment for respiratory infections and hypertension. As part of Chicago's Citywide Emergency Response Program, the Center also would treat victims in the case of a bio-terror attack.

Mr. Speaker, I applaud Representative DAVIS and the Members of the Committee on Government Reform for introducing this legislation and bringing it to the floor today. It highlights the crucial efforts of community health centers across the nation that improve and even save the lives of numerous Americans on a daily basis.

A SPECIAL TRIBUTE TO ROGER D. BRIDGES, PH.D., EXECUTIVE DIRECTOR OF THE RUTHERFORD B. HAYES PRESIDENTIAL CENTER, ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Ohio. A scholar, librarian, professor, and writer, Dr. Roger D. Bridges is a well-respected citizen of Fremont, Ohio. Executive Director of The Rutherford B. Hayes Presidential Center, Dr. Bridges has earned credentials in a wide range of disciplines.

Born in Marshalltown, Iowa, Dr. Bridges received his B.A. from the University of Northern Iowa in 1959, and his M.A. in 1963. In 1970, Dr. Bridges earned his Ph.D. from the University of Illinois at Champaign/Urbana.

In 1970, after an early career as a teacher, librarian and assistant professor, Dr. Bridges was named an NHPRC Fellow in Documentary Editing. Assigned to the Papers of Ulysses S. Grant at Southern Illinois University, Carbondale, Dr. Bridges began his professional career in historical research.

In 1971, Dr. Bridges served as the Director of Research for the Illinois State Historical Library in Springfield. In 1976, he was promoted to Head Librarian. In 1987, Dr. Bridges became Assistant Illinois State Historian and Founding Editor of the prestigious Abraham Lincoln Legal Papers for the Illinois Historic Preservation Agency at Springfield and Illinois State University.

In 1988, the Rutherford B. Hayes Presidential Center, the nation's first presidential library and museum, asked Dr. Bridges to become the fourth director in the Center's tremendous history.

In addition to his prominent position, where Dr. Bridges has worked for the past 15 years as Director of the Hayes Presidential Center, he has received honorary doctorates from Lincoln College and Tiffin University. Furthermore, Dr. Bridges has been honored for his work in civil rights and state and local history. Dr. Bridges is also an active member of several professional organizations, including the Ohio Historical Society, served as Secretary-Treasurer for the Society for Historians of the Gilded Age and Progressive Era, and is a past member of the Ohio Academy of History Executive Council.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Dr. Roger D. Bridges. Our communities are served well by having such honorable and giving citizens, like Dr. Bridges, who is a wonderful asset to the state of Ohio. On the occasion of his retirement, we wish Dr. Bridges all the best as we pay tribute to one of Ohio's finest citizens.

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

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 212, to proclaim 2003 as the Year of the Korean War Veteran. As we commemorate the 50th anniversary of the Korean Armistice, it is entirely appropriate to pay tribute to the nearly 1.7 million troops who fought on the Korean peninsula by designating this year in their honor.

U.S. troops endured some of the most brutal conditions ever experienced in the history of American warfare. They fought in extreme heat as well as cold so severe that some troops literally froze to the floors of their foxholes. But sadly, their sacrifice and bravery are often overlooked. In response, this resolution ensures that the ''Forgotten War'' is always remembered in American history, and that we will never forget the 37,000 troops who sacrificed their lives and the 104,000 Americans injured in Korea.

I am honored to represent 31,611 veterans who make their home in Illinois' Fifth Congressional District. One of them is a Korean War Veteran I am honored to call a good friend—Mr. Eugene Piltaver. For many years, Gene has devoted his time to ensuring that his fellow veterans are honored for their service to our country. A testament to his commitment is symbolized by the United States Military Armed Forces Veterans Memorial in his hometown in Franklin Park, Illinois. Gene not only conceived of the idea for the Memorial, but also rallied support and funding to build this impressive monument dedicated to the bravery and patriotism to Franklin Park's veterans.

Mr. Speaker, on behalf of Eugene Piltaver and all of the veterans who have served and sacrificed for our nation, I am proud to support the Year of the Korean War Veteran.

A SPECIAL TRIBUTE TO FARMWORKER APPRECIATION DAY—FREMONT, OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding event taking place in my district in Northwest Ohio. Saturday, August 2, 2003, people from across Ohio's Fifth Congressional District will gather in Fremont to celebrate Farmworker Appreciation Day.

There is no question that farming is the backbone of our nation. From the earliest days of our nation's history, hardworking men and women have taken to the fields to plant and harvest crops and raise livestock in order to feed their families, their neighbors, and their fellow countrymen.

Mr. Speaker, farming is an honorable profession that takes a great deal of skill, patience, and hard work. Those hardworking men and women who work on our nation's farms deserve much credit for helping to make our lands productive and fruitful.

Through the arduous process of working and cultivating the soil, these farmworkers help prepare the ground, plant the crops, and harvest the food we need to live. The lifestyle of a farmworker is tough. Like the farmer, the farmworker must endure the ever-changing seasons from the harshest winters to sun drying, waterless droughts to rain-soaked days that lead to disastrous floods. farmworkers watch the fields as thunderous storms race across them damaging the crops from which they make their living. However, through it all, farmworkers continue to the fields to do their work.

Mr. Speaker, agriculture is vitally important to the Fifth District of Ohio as we are home to nineteen percent of Ohio's farmland. We know that the economy of our part of Ohio depends on farming. The prosperity of my district is dependent in large part upon the tireless efforts of the farmworkers who bring in the crops. I can think of no better way to celebrate the contributions of these individuals than to take part in farmworker Appreciation Day.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to farmworkers by

helping me proclaim August 2, 2003 as farmworker Appreciation Day. We thank them for all they have done and wish them the very best for the future.

VETERANS HEALTH CARE IMPROVEMENT ACT OF 2003

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 2357, the ''Veterans Health Care Improvement Act.'' This bill will bestow Filipino veterans with the honor and dignity they deserve for their service in the Pacific theatre of World War II.

Filipino soldiers fought shoulder-to-shoulder and died alongside American troops at some of the war's most horrific battles like Bataan and Corregidor. During the infamous Bataan Death March, Filipino soldiers swelled the ranks of the dead to over six thousand. Yet for all their sacrifices, Congress in 1946 divested Filipino soldiers of their military benefits while soldiers of other allied countries retained their status and privileges as American veterans. It is long past time to reverse that injustice by enacting this legislation.

H.R. 2357 will restore veterans' status to the 14,000 permanent legal residents who are Filipino veterans of World War II. This will go a long way to provide comfort and security to them in their twilight years. For those suffering service-connected illnesses and injuries, Filipino veterans will finally receive the right to medical care they earned so long ago. The most elderly veterans will be granted urgently needed nursing home care.

Mr. Speaker, young Filipino men responded to the call of duty over sixty years ago and fought valiantly under the American flag. Now toward the end of their lives, they deserve to benefit from the values that the American flag represents. To that end, I stand in strong and proud support for H.R. 2357.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

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. SCHIFF. Mr. Chairman, I rise today in support of the DeFazio-Bradley amendment to strike the Mr. Recreational Fee Demonstration program from the Interior Appropriations bill. This program is punitive, unfair, and mismanaged.

The Recreation Fee Demonstration program allows the U.S. Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service to charge citizens to recreate on public land, including primitive trails and unimproved campgrounds. I believe—as do many of my constituents who hike and picnic in the Angeles National Forest in Southern California—that it is patently unfair to charge them a fee to hike or picnic in these undeveloped public lands that they already support with their tax dollars.

The GAO has recently found evidence of serious mismanagement of the Recreation Fee program. Only 50 cents of every dollar collected is actually used to maintain or improve our public lands. This mismanagement is unacceptable, and we must not allow it to continue.

Let me be clear that I strongly support the National Park System, and users have already paid fees for use of National Parks, as well as developed campsites, boat launches, and other developed areas. Evidence shows that the National Park Service has a much more impressive track record in utilizing its program fees towards maintenance backlogs in national parks.

Nonetheless, we must not allow the Recreation Fee Demonstration program to continue without enhanced Congressional oversight. I urge my colleagues to support the DeFazio-Bradley amendment to strike this wasteful program.

PERSONAL EXPLANATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Ms. DUNN. Mr. Speaker, on Tuesday, July 22, 2003, I was unable to be present for rollcall votes No. 401 and No. 402 because I was unavoidably detained. Had I been here, I would have voted ''aye'' on rollcall No. 401 and rollcall No. 402.

PERSONAL EXPLANATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. SAXTON. Mr. Speaker, I rise today to explain my absence for rollcall number 401. During the vote, I was at the U.S. Department of State attending a swearing-in ceremony for Ambassador Eric Edelman, the new U.S. Ambassador to Turkey. After having the chance to work with Ambassador Edelman during his tenure with the Vice President, I wanted to personally extend my congratulations and express my appreciation for his long-standing service to our country.

However, had I been present for the vote, I would have voted ''aye''.

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

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today as the proud sponsor of this resolution to establish a National Community Health Center Week. 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 that can not afford their prescriptions or some that will just 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 get displaced by health care legislation. Community health centers have become the safety net within the health care system caring for 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 persons of color, 1 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 any Congressional district—whether it be assisting the working poor in the inner city or in the rural farmland, migrant workers, or even those who have insurance but do not have access to any other health facilities.

These health centers provide high-quality, cost effective health care as they continually meet escalating health needs and assist in reducing health disparities as well as adapting to the changing nation. With the weakened economy and unemployment reaching its highest point in almost a decade, our nation's health centers are feeling and will continue to feel the consequences by an increasing volume of patients, especially the uninsured. By establishing a week to raise awareness of community health centers, we will also be highlighting each year the great accomplishments these nonprofit, community owned and operated health providers offer so many communities. With recent numbers indicating that the nation's uninsured population is even higher than once thought, at a startling 60 million, if our nation will not realize the need for universal health care, we need to realize the importance and the need to better fund our community health centers.

One of the most amazing aspects of the community health centers is the involvement of the community. Each center tailors their services to best meet the needs and priorities of the communities of which they are in. Citizens in these communities become active participants in their community's health care decision making. Health centers even provide approximately 60,000 jobs to the residents in the communities of the centers.

Mr. Speaker, community health centers are the safety net that are committed to serving all individuals with the mission that everyone deserves quality health care services regardless

of where one resides, if they can pay or have insurance. They are vital in insuring that America's forgotten are being kept healthy.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. JIM MATHESON

OF UTAH

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. MATHESON. Mr. Chairman, I rise as a sixth generation Utahn. I come from the West, and I come from a State with public lands. Quite frankly, public lands in the West are what this issue is all about. I have grown up with a legacy of the use of those public lands in my State. My roots are in southern Utah.

Utah is a remarkable State. It is like a lot of the Western States, and it has got a lot of remarkable public lands, some places that are very special. As time has evolved, a lot of people around the world have discovered those lands as well; and I think it is safe to say, and I think there would be consensus at some point, that there is a lot of land out there that is worthy of protection because of its remarkable value.

When I talk about the public lands debate, I know tonight we are talking about the issue of RS 2477 and designation of roads, but it is really part of the overall public lands debate we have in our State and in the West. I look back over my lifetime about how that debate has been carried out. When I think about it, I think about so much emotion and so much effort that has gone into this debate, but there has been no progress. I am alarmed by the lack of progress.

As the West continues to grow and the population grows and the pressures develop, it is time for us to try to come together and try to make progress on these issues and resolve these issues as best we can.

There are not just two sides to this issue. It is not that simple. There are multiple stakeholders involved in public land matters in Utah and in the West. I have talked to so many of them. Quite frankly, I have talked to a lot of them just during this week in preparation and anticipation of the amendment from the gentleman from Colorado (Mr. UDALL) that would be introduced today.

I have talked to county commissioners throughout rural Utah, and there is not unanimity among that group, quite frankly. There is a divergence of opinion. I have talked to all kinds of stakeholders. The sportsmen community, the recreation community.

There are many different points of view, and these points of view all have legitimate claims, and it is unfortunate that we have been unable to bring those stakeholders together in a way to resolve these issues.

In some respects, life repeats itself, as was mentioned by the gentleman from Colorado (Mr. UDALL) earlier. The Department of the Interior in 1997 under Secretary Babbitt issued rules to deal with RS 2477. Congress did not like it, passed legislation just like we are looking at now to stop the funding of processing under that rule, and Congress said the Department of the Interior should not make any other rules until Congress deals with it.

Now we flash forward to 2003. The Department of the Interior under a different Secretary has issued a new set of rules, and once again we are revisiting the issue of whether or not Congress should be involved in trying to have an inclusive process where we get all the stakeholders together and try to make progress on this issue.

There is no question that there are legitimate claims out there for roads under RS 2477. We all know that. We all know there are roads that are roads. We know there would be some claims out there where we would agree they are really not roads. I would submit to the Members, in fact, that most of the claims in Utah are not controversial. But the problem is that everybody has been scared, everyone has been scared to deal with the noncontroversial roads, thinking they would make some precedent that would place them at a disadvantaged position when we deal with the controversial claims.

So we have been involved in one litigation action after another, and one administration promulgates one set of rules, and another administration promulgates a different set of rules, and we are not making any progress.

I bring before the Members tonight an amendment. It is not a perfect amendment. It is not perfect to any stakeholder in this debate. But what it attempts to do is make some progress, some progress in trying to designate the least controversial roads and allow them to move forward. In Utah, we call them class B roads. That is a State classification. But we have adopted that language in my substitute amendment.

These are roads that can be traveled by two-wheel-drive vehicles. These are roads where I would suspect that no one would disagree that there is a legitimate claim. And I am not saying this solves the entire RS 2477 debate, but it is an opportunity to have some people come together on the least controversial part of this whole issue and try to make some progress.

I also want to mention one other component of my substitute amendment, and that is that I specifically talk about the issue of roads that cross private property, and I say that private property rights need to be maintained and that one cannot file claims on that type of land.

Finally, I mentioned earlier the amount of litigation that has been associated with this, and this is not the end of that pattern. It is unfortunate how much litigation we have seen here, and we are going to see it again. We are going to see it on this ruling that came out on January 6, I predict, and I think all of us are a little tired of that. I think we are tired of having that as a way to try to resolve things. It is time for Congress to step up to the plate and do its job.

In 1997, I was not here, but Congress said we have got to do this. Congress did not agree with what Secretary Babbitt did at that time, and it is up to Congress to come together now.

This substitute amendment is a stopgap. It is a stopgap to move forward on one set of the least controversial roads. It is not the solution. The solution is that we ought to hold hearings, we ought to try to move forward and make progress, bring the interests of all the stakeholders together, and let us make progress and move forward on RS 2477 claims.

RECOGNIZING THE NAPA VALLEY OPERA HOUSE ON THE OCCASION OF ITS GRAND REOPENING

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today in honor of the Napa Valley Opera House, as this venue returns to life after 89 years of being closed to our community.

Built in 1879 and now a national historic landmark, the Napa Valley Opera House was the center of community life during its heyday, playing host to luminaries such as Jack London, John Philip Sousa and the legendary soprano Luisa Tetrazzini. Vaudeville shows, masquerade balls and temperance rallies were regular fare. But the hall went dark in 1914, a victim of changing times. As late as the 1980s, the building had reached such a state of dilapidation that it was on the verge of being condemned.

The grand reopening marks the successful completion of a grassroots preservation campaign that began 30 years ago and ultimately saved the structure from the wrecking ball. The fundraising effort started in earnest in 1986, and received a vital boost 11 years later, when Robert and Margrit Mondavi put forward a $2.2 million challenge grant. To acknowledge the importance of that gift, the main hall has been named the Margrit Biever Mondavi Theatre.

Indeed Mr. Speaker, the return of this dais represents a rebirth of artistic culture that will help bind our community together. Theatre arts no longer shall be rendered a relic of the past but will be celebrated as an institution of the present; binding young and old, and linking those with artistic passion to those who have long forgotten it.

It is not enough for a community anywhere in this great nation to teach the basics of art through the schools. The arts must be actively practiced in the community to make life richer and less confined by a lack of expression that satisfies the soul. In turn the community should never turn its back and allow those institutions that have so enriched their community to crumble to dust. Truly this is a community that will not let the arts languish in such a way any longer.

The Napa Valley Opera House will be a venue dedicated to fostering an appreciation for the theatre arts where it is most important, in our children. The development of a children's series in the theatre that often incorporates hands on experience will give youngsters confidence in their inherent creativity. Fomenting the imagination through positive outlets such as this can only lead to a well-rounded pool of experience in personal expression.

Mr. Speaker, the Napa Valley Opera House will be once again an integral part of the cultural landscape of our First Congressional District and a true treasure for the people of California. It is therefore appropriate that we acknowledge and honor the Napa Valley Opera

House, and the hundreds of voices who have contributed to the legacy and success of this organization.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. ABERCROMBIE. Mr. Speaker, yesterday, on rollcall vote No. 408, I am recorded as having voted, ''No''. I would like the RECORD to show that I, in fact, support the Otter amendment and I intended to vote, ''Yes''. I hope that it is retained in the final version of the Commerce-Justice-State Appropriations Act.

HONORING KGMC–TV

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor KGMC–TV in Fresno, CA for their impressive support for our community. In 2002, KGMC–TV donated a total of 464 spots of valuable airtime towards Ad Council public service announcements.

Throughout the Ad Council's 60-year history, stations like KGMC–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 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 KGMC–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.

A TRIBUTE TO ALLEN B. GRESHAM FOR FOUR DECADES OF PUBLIC SERVICE TO SAN BERNARDINO COUNTY, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Allen B. Gresham, a legendary attorney and highly respected community leader for more than four decades in San Bernardino County, California. Mr. Gresham is retiring from full-time practice after 41 years of building one of the top legal firms in Inland Southern California, and nearly as long helping make our community a better place.

My friend Allen Gresham grew up in El Centro, California and received his law degree from Stanford University before joining a San Bernardino law firm in 1959. In just 3 years, he was named as a partner, and became the senior partner by 1978. Gresham, Savage, Nolan and Tilden now has 27 lawyers and is one of the most respected and accomplished law firms in Southern California.

Mr. Gresham served as president of the San Bernardino County Bar Association in 1969 and as a fellow of the American College of Trial Lawyers for the past 25 years. He was named one of the ''Best Lawyers in America'' for the past decade, and was honored as one of the top lawyers in America in 2001. He was selected as one of the top five business litigators in the Inland Empire in that year, as well.

Almost from the beginning, Allen Gresham was active in our community. He has been a member of the Kiwanis Club of San Bernardino since 1960, and has been a director of Arrowhead United Way since 1964. He was a director of the San Bernardino County Symphony Association from 1967 to 1973 and rejoined the board in 1989—serving as its president for the next 4 years.

In 1971, Mr. Gresham stepped up his activities dramatically, beginning 32 years of service in two groups that have helped ensure that San Bernardino County grows economically and in its educational opportunities. He was elected to the Board of Trustees of the San Bernardino Community College District—and has been reelected for 8 consecutive terms. As board chairman for 3 of those terms, Mr. Gresham has helped a sleepy community college of a few thousand students grow into an academic powerhouse that today serves more than 30,000 on two campuses.

In that same year, Mr. Gresham joined Inland Action, Inc., a service group formed by community leaders to maximize the economic development of San Bernardino County, and to ensure that the county retains the benefits of Norton Air Force Base. Over my 25 years in Congress, I have worked closely with Allen Gresham and the other members of Inland Action to keep the Inland Empire high in the attention of the Federal Government. Although Norton was closed in 1988, the group has continued to strive for economic progress, and was a significant factor in winning community control of the former base in 1998. There is no doubt in my mind that the efforts of Allen Gresham and the other members of Inland Action has helped ensure that San Bernardino County is on course to be an economic powerhouse for decades to come.

I have always looked forward to the annual Inland Action trips to Washington—not least because a meeting with Allen Gresham was always a joy. He provides a combination of personal stability with an amazing ability to laugh at himself and bring laughter to those around him. His engaging and informed participation is one of the reasons Inland Action has forged numerous ties to lawmakers and federal officials that have paid off handsomely for the San Bernardino area.

Allen Gresham has received many well-deserved honors over his life of community service. He was named Citizen of the Year by the local board of realtors in 1975, Distinguished Citizen by the Military Airlift Command in 1988, Citizen of Achievement by the League of Women Voters in 1991 and received the San Bernardino County Bar Association's ''John B. Surr Award'' for outstanding service to the legal profession in 1999.

Mr. Speaker, as Allen Gresham retires from active practice, he is also stepping down from his role in Inland Action to give him more personal time with his wonderful wife of 49 years, Clara Thompson Gresham. Please join me in wishing them well in their retirement years, and thanking them for all of the many, many years they have devoted to their community.

INTRODUCTION OF THE WORKERS WITH DISABILITIES OPPORTUNITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. STARK. Mr. Speaker, I rise today to introduce the ''Workers with Disabilities Opportunity Act of 2003'' with Representative MATSUI (D–CA) and 34 other colleagues. This bill will remove a persistent employment barrier facing Social Security beneficiaries with disabilities who want to attempt to return to work—the fear of losing their health insurance. Right now, these workers lose their Medicare health insurance coverage if they remain in the workforce more than 8.5 years. This legislation would make Medicare coverage permanent for them.

There is a glaring problem with the American workforce today. There are a disproportionately small number of workers with disabilities in it. According to the Census Bureau's 2002 report, only 24 percent of American adults with disabilities are employed compared to 77 percent of other Americans. The National Organization on Disability reports that despite major advances in disability services and technologies, less than 1 percent of Social Security Disability Insurance enrollees leave the rolls each year to return to work. When the non-working adults with disabilities were asked in the National Health Interview Survey why they were discouraged from working over one-fifth of them replied that it was out of fear of losing their health insurance. With this piece of legislation we can remove this barrier.

People who receive Social Security disability insurance benefits risk losing the health insurance coverage they currently have if they return to work. While you may think that their job's health benefits may cover what they need, many employers do not offer health insurance and even if they do, the treatments workers with disabilities require may well not be covered by a standard employer-provided plan. This puts many Social Security beneficiaries in a dilemma. They must choose between staying at home and keeping their health insurance or going to work and losing it. There is no question about it; this Hobson's choice is keeping disabled Americans out of the workforce.

Some of you may ask: ''Well, what about existing law?'' The answer is that existing law does not do nearly enough. Under current law, Medicare coverage only extends for 8.5 years after a Social Security beneficiary returns to work. While this may sound like an adequate amount of time to become integrated into the workforce, keep in mind that people with a physical or mental disability often require ongoing care. Their health, often their lives, and certainly their ability to sustain work, depend on that care.

The Workers with Disabilities Opportunity Act is critical for removing the fear of returning to work for the millions of Americans with disabilities. We had bipartisan support for the original House version of the Ticket to Work and Work Incentives Improvement Act that extended Medicare coverage to 8.5 years for workers with disabilities. We hope to have bipartisan support for making this improvement

complete. Furthermore, this piece of legislation is supported by the Consortium for Citizens with Disabilities, which is made up of a coalition of national disability organizations including the American Association on Mental Retardation, National Alliance for the Mentally Ill, Paralyzed Veterans of America, The Arc of the United States, and United Cerebral Palsy. Let's work together to give Americans with disabilities the opportunity to succeed in the workplace by providing permanent Medicare coverage. Let's give Americans with disabilities a real ticket to work instead of pulling the rug out from underneath them after eight and a half years.

If this bill becomes law millions of Americans will no longer be afraid of going back to work. Enacting this small piece of legislation can have a tremendous impact on the lives of American with disabilities. We need to give Americans with disabilities a chance to become permanent, active members of the workforce. Americans with disabilities deserve the opportunity to succeed and we can give it to them by making their Medicare coverage permanent. I urge my colleagues to join us in support of this important legislation.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2003

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. SIMPSON. Mr. Chairman, I rise today to offer some perspective on the amendment offered by my colleague from California, Mr. ROHRABACHER.

As all of us know and acknowledge, Mr. ROHRABACHER's amendment seems like a no-brainer and something everyone would support. To suggest that our Nation's veterans who were held prisoner by the Japanese in World War II should be prevented from filing a lawsuit for compensation seems outside the realm of what any politician would argue. But if my colleagues will allow, I am here to do just that.

While I do acknowledge the difficulty of arguing my position, I believe it's a sound position and one any member of this body could support if only they were made aware of the history surrounding this matter and the facts behind our international obligations.

America is indeed indebted to our former POWs—whether they are World War II POWs or those, including Jessica Lynch, who were held captive by Saddam Hussein. That debt our Nation owes these men and women is not just one of gratitude, but one of compensation for their time in enemy hands.

This amendment, however, is neither the best nor a wise approach to ensuring we meet our Nation's obligations to our former POWs and I would like to explain why.

If passed by the House of Representatives and adopted in conference in its current form, this amendment would almost certainly invite a veto by the White House. I firmly believe that the President would be using sound judgment in vetoing the amendment because it would violate our treaty obligations under the treaty we signed with the Japanese at the end of World War II.

Some of us in this chamber may take those treaty obligations lightly or might suggest that we should ignore commitments made over 50 years ago. I say we must abide by those treaty obligations because that treaty is what set the foundation for the 50 years of friendship and cooperation our Nation has had with Japan. Great nations do not violate their treaty obligations nor do they go back on their commitments to their friends. Great nations abide by their commitments and stand with their friends in easy situations and in difficult situations.

I believe there is another compelling reason why this amendment should be rejected and why we should choose another course. The amendment offered by my colleague from California only addresses those POWs who were taken captive during World War II. What about the POWs from the Korean War, the Vietnam War, the Iranian Hostage Crisis, the Persian Gulf War, or our most recent war with Iraq? These POWs have suffered extraordinary hardships and, due to the inequity in this amendment, would be left without any long-term compensation for their sacrifices.

I think it's important to point out that our Nation is currently home to an estimated 42,781 surviving ex-POWS: more than 39,700 from World War II, 2,400 from the Korean War, 601 from the Vietnam War, one from Somalia and three from Kosovo—and these numbers don't include the POWS from our actions against Iraq.

That is why I have offered an alternative—one that would accomplish everything this amendment does not. My legislation, H.R. 850, would create a new compensation system for former POWs delivered through the Department of Veterans Affairs. Under the new system, POWs detained 30 to 120 days would receive $150 per month, those detained 121 to 540 days would receive $300 per month, and those detained for 540 or more days would receive $450 per month. Payment would be made without regard to any other compensation under the laws of the United States. In addition, the bill contains a provision to provide outpatient dental care for all POWs. Current law requires a period of internment of not less than 90 days in order to qualify. Further, I have already agreed to eliminate the 30 day requirement to be eligible for benefits under the bill to ensure POWs who were held for a shorter period of time, including those who have returned from Iraq, would in fact be eligible for monthly compensation.

Mr. Chairman, my legislation offers this body an alternative to breaking our treaty obligations and failing to meet our commitments to 50-year-old friends and allies. World War II ended nearly 60 years ago and throughout the last half of the twentieth century, Japan proved time and again that it is one of our most trusted allies and a nation upon whom we could count for lasting friendship. If anything, the last year has shown this Nation the value of trusted friends and our need for close allies around the globe.

We have the chance today to do something noble. We can both be a good friend to Japan and meet our commitments to the men and women who have worn our Nation's uniform and been held captive during foreign wars. We can do this by rejecting the path chosen by my colleague from California and by, instead, choosing an approach such as that offered in H.R. 850.

A TRIBUTE TO DR. BRIAN BOWKER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to recognize Brian Bowker on the completion of his doctorate in animal sciences from Purdue University and his dedication to science and agriculture.

As a Federation of Animal Science Societies (FASS) Congressional Science Fellow, Dr. Bowker serves as Legislative Assistant in my office. I've had the benefit of Brian's expert advice on agricultural issues. I have seen the extent of his education but more importantly the extent of his character. Brian has reached an educational level that few people obtain, yet he desires to learn more and to use that knowledge to benefit others. He understands the concept, which few of us really embrace, that as Albert Einstein said, ''Intellectual growth should commence at birth and cease only at death.''

The recipient of numerous awards and honors, Brian has received the Featherston Outstanding PhD Award and the Outstanding Teaching Assistant Award. In addition, the Animal Science Department of Purdue University named Brian the outstanding freshman, sophomore, junior, and senior. He has received the Oakley M. Ray Distinguished Leadership Award, the Millard Plumlee Scholarship, and the Richard A. Pickett Scholarship, just to name a few. Also, Brian is a member of the American Meat Science Association and the American Society of Animal Sciences.

Therefore, on behalf of the Congress of the United States, I commend Dr. Brian Bowker for receiving his PhD, and thank him for his service to our Nation.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. FRELINGHUYSEN. Mr. Chairman, on rollcall No. 406, the Hostettler amendment to H.R. 2799, the Commerce-Justice-State appropriation bill for fiscal 2004, on Tuesday July 22, during a series of several votes, I inadvertently voted ''no'' when I intended to vote ''yes.''

I strongly disagree with the decision handed down by the 9th Circuit on the Pledge of Allegiance and have voted to reflect that disapproval twice previously: on June 27, 2002 (H. Res. 459) and on March 6, 2003 (H. Res. 132).

TRIBUTE TO DR. NIKITA MORAVSKY, AMERICAN CITIZEN-PATRIOT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. VAN HOLLEN. Mr. Speaker, today I rise to pay tribute to Dr. Nikita Valerianovich Moravsky, American citizen and patriot, who will soon be celebrating his 80th birthday. Those of us who have had the good fortune to be born in the United States may sometimes take our citizenship for granted and forget how special it is. Dr. Moravsky's life reminds us of just how precious our birthright is, and his career of service to our country sets an example for us of appreciation for that gift.

In 1923, when Nikita Moravsky came into this world, he had no country. He was born in Shanghai, China, to Russian parents who had fled from the Bolshevik Revolution in their homeland. Educated in Jesuit schools in Shanghai, Nikita studied French and English, while at home he learned to speak Russian with the perfect pre-war St. Petersburg accent that he still maintains. As a young man he lived through the brutal Japanese invasion and occupation of Shanghai. Then, in 1949, as the Chinese Communists prepared to enter the city, Nikita was evacuated, along with 5,000 other—primarily Russian—refugees to a displaced persons camp on Tubabao Island in the Philippines. There he remained for two years.

Finally, in 1951, Nikita arrived in the United States, where he was soon employed on the faculty of the prestigious Army Language School in Monterey, CA, teaching Russian to American military personnel. Thus began Nikita's career of serving his adopted country. In 1958, he moved to Washington, DC, where he worked at the U.S. Information Agency (USIA) on the staff of its Russian-language magazine America Illustrated. He later entered the Foreign Service, touring Russia with USIA exhibits, and serving for two years as Cultural Attache at the American Embassy in Moscow. Next followed ten years of leadership positions with the USSR Division of the Voice of America, where broadcasts to the Soviet Union kept alive the values of truth and openness that ultimately undermined the Communist regime that his parents had fled so long before.

After leaving government service, Nikita obtained his Ph.D. in Russian Area Studies from Georgetown University. In his post-government career, he has taught at George Washington University and American University, educating his students in Russian culture and history and thus helping to prepare a new generation of leaders for the post-Cold War era. He also has published numerous articles in both English and Russian and two books in Russian, one dealing with the Tubabao Island refugees and the Russian diaspora in the Far East and a new work entitled Through the Eyes of a Russian-American.

It is thanks to the work of Nikita Moravsky, and countless others like him, who toiled for years behind the scenes during the Cold War, that the American ideals of democracy and liberty now have a chance in the former Soviet Union. It was not just American military expenditures that ended the Cold War, but the hopes of the Russian people themselves for a freer society—hopes well-nurtured by Nikita's work.

The United States indeed has been fortunate in having Nikita Moravsky as an adopted son. I invite my colleagues to join me in saying ''thank you'' to Nikita for his career of service to the United States and ''congratulations'' on the milestone of his 80th birthday.

CELEBRATING THE 50TH ANNIVERSARY OF THE APSA CONGRESSIONAL FELLOWSHIP PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. RANGEL. Mr. Speaker, I rise today to join my fellow colleagues in celebrating the 50th Anniversary of the American Political Science Association's Congressional Fellowship, the first and oldest program of its kind on Capitol Hill.

Since 1953, APSA has allowed rising leaders within government agencies, as well as those in fields like medicine, journalism and academia to get an inside view of what, when, why and how we do things here in the people's House and the other chamber.

I have had the pleasure of having several fellows since I arrived here in Congress, all of whom have distinguished themselves in their ability to jump right in and perform as any veteran of my team. They do so by checking their egos at the door but not their skills and experiences, providing a different perspective on both potential legislation and daily procedures.

Success in any arena depends on participants getting to know the language, procedures and customs of important institutions of power. To be effective communicators or creators of sound public policy, individuals and groups must know how the game is played, even if the rules appear to sometimes be rigged. APSA fellows leave their assignments with that type of knowledge and view of Congress that is built on practical experience and not solely on media or partisan spin.

Washington does not operate in a vacuum—the things that we do echo past these great halls into the homes, schools and office buildings that dot this great land. While technology has allowed Americans to connect with each other quicker, more often and over greater distances, it has not increased the public's understanding of what gets done in Washington and the impact that debates on and off the floor have on their lives.

The APSA Congressional Fellowship program is helping to bridge this gap in the public consciousness by demystifying the political process. Their alumni provide clear evidence that everyone, no matter what their profession or expertise, has a role to play in and an opportunity to impact, their government.

HONORING M.D. ANDERSON CANCER CENTER OF HOUSTON, TX

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. BELL. Mr. Speaker, I rise today in recognition of The University of Texas M.D. Anderson Cancer Center in Houston, TX. I am proud to announce that in this week's issue of U.S. News and World Report, a survey of ''America's Best Hospitals'' named M.D. Anderson Cancer Center the nation's top cancer center. Recently, M.D. Anderson broke ground for its new proton therapy machine. This will be the largest proton therapy machine in the world. M.D. Anderson is a rapidly growing institution, increasing patient load and research capabilities every year without sacrificing service.

M.D. Anderson has been ranked as one of the top two cancer centers since 1990. Not only was the honor of the nation's best cancer center bestowed on M.D. Anderson, but it also ranked fourth for gynecology and under fifteenth in urology and ear, nose, and throat. These distinctions show the dedication of the M.D. Anderson faculty, staff, volunteers, patients, and community supporters who are working towards one mission, to eliminate cancer. M.D. Anderson was the only Texas hospital to be given a number one ranking in any medical specialty.

Providing top quality care to patients from across the state of Texas and one third from out of state, M.D. Anderson shows its commitment to Texas and to the nation. M.D. Anderson represents Houston's dedication to patients, clinical research, education programs, and prevention and eradication of cancer. I know my colleagues will join me in congratulating M.D. Anderson's 12,708 employees, 1,400 volunteers, its numerous local and national donors, and its many patients for making M.D. Anderson the nation's number one cancer center.

SERGEANT ROGER D. ROWE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, it is with a solemn heart that I honor the dedicated and honorable Tennessee National Guardsman and Bon Aqua Resident Sergeant Roger D. Rowe. Sergeant Rowe served the Army National Guard for 17 years and was deployed to Iraq with the 1174th Transportation Company. I pay tribute to this outstanding soldier, husband, father, and grandfather who on July 9th was tragically killed in action near the city of Mahmudiyah.

Sergeant Rowe was one of 1,000 Army and Air National Guardsmen selflessly protecting our country. As a soldier, Rowe courageously endured 130 degree heat, relentless sniper attacks, and separation from his loving family. This was not the first time Sergeant Rowe unflinchingly protected the people of the United States. He also served in a medic unit in Vietnam for two years. Working as a shipping clerk with Shiloh Industries in Dickson, Tennessee, his experience driving trucks made Rowe an invaluable asset to his military convoy overseas.

Mr. Speaker, I am deeply honored to pay tribute to the life and memory of Sergeant Roger D. Rowe. Never withholding their services in the face of war, Tennessee's citizens have always been celebrated for their wartime valor. Sergeant Rowe more than upholds that reputation. He fought to keep his family and

country safe and for that gift we are forever indebted. My thoughts and prayers are with the family and friends of Sergeant Roger Rowe.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. GALLEGLY. Mr. Speaker, on Tuesday, July 22, I was at the White House in a meeting with the President, along with the members of the National Academic Decathlon team from Moorpark High School, and was unable to vote on the Kucinich motion that the Committee Rise (rollcall 404). Had I been present, I would have voted ''no.''

HONORING ALAMO MAYOR TOMMY GREEN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. TANNER. Mr. Speaker, today I rise to honor an outstanding public servant, Tommy Green, who has dedicated himself to the people of Tennessee through his diligent services to the community of Alamo in Crockett County.

Tommy's hard work helped earn him the Mayor of the Year award this year from the Tennessee Municipal League.

Throughout his life, Tommy has found a home in public service. He began his honorable career by volunteering for the Alamo Volunteer Fire Department, then served as Alamo's first building inspector. Tommy continued to show his dedication for our community by serving as city alderman for 11 years.

As a U.S. mail carrier, Tommy works one of the largest and most time-consuming routes in Alamo. Despite these long hours, Tommy has served as Alamo's mayor for the past 17 years.

Since 1986, Tommy has been instrumental in helping Alamo receive seven federal grants to improve the development of the community. These grants allowed for construction of a new water treatment plant, two new wells and a 200,000–gallon water storage tank.

Mr. Speaker, I ask you to join me in honoring a distinguished public servant, an outstanding citizen and my friend, Mr. Tommy Green.

APSA 50TH ANNIVERSARY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. OBERSTAR. Mr. Speaker, I am very pleased to congratulate the American Political Science Association on the 50th anniversary of its congressional fellowship program.

The APSA Congressional Fellowship Program is a highly selective, non-partisan program that provides invaluable opportunities for fellows to obtain legislative working experience. Since 1953, over 1800 journalists, federal government professionals, political scientists, Robert Wood Fellow health policy fellows, Native American Hatfield fellows, and international scholars have participated in this program. The congressional fellowship program is beneficial for both congressional offices and the fellows. Congressional offices gain from the expertise of these professionals, and the congressional fellows learn the legislative process on a firsthand basis.

I can speak from experience about the value of this program. I currently have on my staff an outstanding APSA fellow who has made great contributions to my office. Margaret Connelly came to my office from the USDA Forest Service. Since the beginning of this year, Margaret has assisted my Washington and District staff with the implementation of my Hometown Values legislative agenda, and she has also coordinated a number of high-priority transportation and natural resource projects. Margaret has brought to my office her considerable talents and professional experience with the Forest Service, and I am very pleased that she has gained new skills and valuable experience in my office.

For those of you not familiar with the fellowship program, fellows work for Democrats, Republicans, and Independents as members of personal staff or committee staff while on the Hill. In addition to their office assignments, these congressional fellows attend educational seminars throughout the program. A field trip to Annapolis, Maryland is included to gain a better understanding concerning state government operations. For a comparative dimension, some fellows travel to Ottawa, Canada to meet with high-ranking Canadian officials and gain insight into the Canadian Parliament. In exchange, Canadian Parliamentary interns travel to Washington for a week to gain a better perspective on the U.S. Government.

After these various experiences, fellows return to their previous jobs or new jobs, bringing with them new insights and knowledge of the legislative process. I hope they will continue to utilize their experience on the Hill for the rest of their lives and share this knowledge through discussions with friends and coworkers.

Mr. Speaker, I appreciate the opportunity to congratulate the American Political Science Association for their outstanding contributions through their fellowship program. I would encourage my colleagues to participate in APSA's superb program which brings immeasurable benefits for the House of Representatives and for these dedicated professionals.

SAG HARBOR VOLUNTEER FIRE DEPARTMENT CELEBRATES 200TH ANNIVERSARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to pay tribute to the Sag Harbor Fire Department. On March 26, 2003, the Sag Harbor Fire Department of Sag Harbor, New York, marked a momentous occasion that very few fire departments in our country have achieved. Since 1803 the volunteer firefighters of Sag Harbor have been answering their neighbors' calls for help. This year they are celebrating their 200th anniversary. Located on the South Fork of Eastern Long Island, The Sag Harbor Fire Department is one of the oldest volunteer fire departments in the nation, the second oldest in the state of New York, and the oldest in Suffolk County. It was chartered on March 26, 1803 and today, 200 years later, it has 165 volunteer members who cover the county with support and protect 5,000 winter residents and 15,000 summer residents in an area of 27 square miles.

These dedicated volunteers operate out of four different stations and comprise five companies: Gazelle Hose Company No. 1, Montauk Hose Company No. 2, Otter Hose Company No. 3, Murray Hose Company No. 4, and the Phoenix Hook & Ladder Company No. 1. The Department also has three special squads: Heavy Rescue, Fire Police and the Dive Water Team.

During the year-long 200th anniversary commemoration, the Department has received proclamations from the Village of Sag Harbor, the New York State Legislature, the New York Department of State and the Fire Association of New York State. I would like to add my heartfelt congratulations and best wishes to this outstanding fire department not only for its longevity but also for the dedication of its members. Volunteer firefighters are selfless men and women who risk their lives to protect and provide fire, emergency medical and rescue services to others in their community without financial compensation. Sag Harbor's volunteer firefighters proudly carry on the 200–year-old tradition started by their forefathers—answering the alarm, serving their neighbors and protecting the citizens of Suffolk County.

The Department will officially celebrate this milestone with a week-long series of events beginning on August 19th that includes a gala parade, fireworks, raffles and the selling of many different souvenirs including a commemorative coin created especially for the occasion.

I invite my colleagues in the U.S. House of Representatives to join me in honoring the Sag Harbor Fire Department on its 200th anniversary. These men and women represent the best of the volunteer spirit that has built our great Nation.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. STUPAK. Mr. Speaker, I ask that the Record show that on Thursday, July 17, 2003, during consideration of the FY04 Appropriations bill for the Department of the Interior, H.R. 2691, I inadvertently voted ''yes'' on the amendment of Mr. UDALL of New Mexico to prevent the use of funds to finalize Bush Administration regulations that would revise requirements for scientific evaluation and public involvement during the development of forest management plans, when it was my intention to oppose the amendment.

I am a strong supporter of multi-use forest plans and had voted for this amendment under the mistaken impression that this was the amendment offered by Mr. UDALL of Colorado. I am pleased that despite my erroneous vote, the amendment of Mr. UDALL of New

Mexico was defeated so that I did not need to pursue any legislative remedies to overturn it.

TRIBUTE TO THE CHALLENGER

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2003

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute and officially recognize the Fortieth Anniversary of The Challenger Newspaper in Buffalo, New York, which I am proud to say is part of the Twenty-seventh Congressional District of the State of New York.

On April 11, 1963, the first edition of The Challenger was published, serving primarily Buffalo's African-American community. That same year, the Civil Rights Movement reached a critical, historic moment. During The Challenger's inaugural year, Freedom Fighter Medgar Evers was murdered, the Sixteenth Street Baptist Church in Birmingham, Alabama was bombed by White Supremacists, killing four innocent children, and the legendary Rev. Dr. Martin Luther King, Jr. delivered his momentous ''I have a Dream'' speech at the March on Washington.

Founded by Mr. Calvin Kimbrough, the late Mr. John Moore and the Honorable Arthur O. Eve, The Challenger went on to become ''the voice'' of Buffalo's Black community. These trailblazers fought to provide Buffalo's African-American community with the ability to determine for itself how they would be portrayed in the media. The Challenger continues to serve our community by asking the tough questions, challenging the establishment, providing world news as it relates to the Black Community, promoting African and African-American culture and history, and ensuring that the positive contributions of African-Americans, too often ignored by others, are appropriately reported and celebrated. Indeed, The Challenger has become a Buffalo institution, no less important than our historic neighborhoods, parks, buildings, and other treasures.

Forty years later, the proud tradition of The Challenger continues under the exceptional leadership of Ms. Al-Nisa Banks. She has served as Editor and Publisher for twenty-four years, and has guided The Challenger to its current position as one of our nation's finest newspapers through her visionary leadership and commitment to our community.

As Members of Congress, we pause to honor and recognize those brave individuals and institutions who helped our nation find its way during some of our darkest moments. The Challenger stands proudly amongst that group as a champion of justice and a light toward a better way, and we are forever in its debt.

Mr. Speaker, today I join with The Challenger Staff, the City of Buffalo, and indeed, our entire Western New York community in special recognition and celebration of The Challenger on this historic Anniversary. We all wish them continued success and prosperity.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 24, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

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 a.m.

Environment and Public Works

To hold hearings to examine climate history and its implications, and the science underlying fate, transport and health effects of mercury emissions.

SD–406

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Peter J. Schoomaker (Ret.), USA, for appointment as Chief of Staff, United States Army and appointment to the grade of general; and Lieutenant General Bryan D. Brown, USA, for appointment as Commander, United States Special Operations Command and appointment to the grade of general.

SR–222

Energy and Natural Resources Energy Subcommittee

To hold hearings to examine the role of the Department of Energy's Office of Science in supporting research in physical sciences.

SD–366

Foreign Relations

To resume hearings to examine the status and prospects for reconstruction resources relating to Iraq.

SH–216

Governmental Affairs

To hold hearings to examine the nominations of Joe D. Whitley, of Georgia, to be General Counsel, and Penrose C. Albright, of Virginia, to be an Assistant Secretary, all of the Department of Homeland Security; to be followed by a hearing to examine the nomination of Joel David Kaplan, of Massachusetts, to be Deputy Director of the Office of Management and Budget.

SD–342

Judiciary

Business meeting to consider the nominations of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Larry Alan Burns, to be United States District Judge for the Southern District of California, Glen E. Conrad, to be United States District Judge for the Western District of Virginia, Henry F. Floyd, to be United States District Judge for the District of South Carolina, Kim R. Gibson, to be United States District Judge for the Western District of Pennsylvania, Michael W. Mosman, to be United States District Judge for the District of Oregon, and Dana Makoto Sabraw, to be United States District Judge for the Southern District of California.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine consumer awareness and understanding of the credit granting process.

SD–538

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

Aging

To hold hearings to examine a current law trust fund exhaustion scenario if no action is taken to strengthen Social Security, focusing on the GAO report analyzing the ''do nothing'' scenario with the analytical framework previously used to evaluate the models developed by the President's Commission to Strengthen Social Security.

SD–628

2:30 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine the LI visa and American interests in the 21st century global economy.

SD–226

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

9 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine practices for identifying and caring for new cases of SARS.

SD–342

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Howard Radzely, of Maryland, to be Solicitor for the Department of Labor, and Michael Young, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission.

Room to be announced

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

Judiciary

To hold hearings to examine S.J. Res. 15, proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for 20 years.

SD–226

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

2:30 p.m.

Judiciary

To hold hearings to examine S. 1194, to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

SD–226

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine space exploration.

SR–253

JULY 31

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

10 a.m.

Governmental Affairs

To hold hearings to examine origination, organization and prevention in relation to terrorism financing.

SD–342

12:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine certain issues relative to AIDS.

SD–430

2 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine proposed Mine Safety and Health Administration (MSHA) rule on coal dust; to be followed by a hearing on union financial reporting and disclosure.

SD–192

2:30 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine Internet Corporation for Assigned Names and Numbers (ICANN).

SR–253

SEPTEMBER 16

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.

SH–216

Daily Digest

HIGHLIGHTS

House passed H.R. 2799, Commerce, Justice, State Appropriations.

House passed H.R. 2800, Foreign Operations, Export Financing, and Related Programs Appropriations.

House Committees ordered reported eight sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S9741–S9825

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1445–1449, and S. Res. 199. **Pages S9793–94**

Measures Passed:

Pediatric Research Equity Act: Senate passed S. 650, to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients, after agreeing to the committee amendment and the following amendment proposed thereto: **Pages S9811–19**

DeWine (for Gregg) Amendment No. 1360, relative to the applicability to new drugs and biological products. **Pages S9815–16**

Native American Alcohol and Substance Abuse Program Consolidation Act: Senate passed S. 285, to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, after agreeing to the committee amendment in the nature of a substitute. **Pages S9819–23**

Homeland Security Appropriations: Senate continued 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 amendments proposed thereto: **Pages S9748–88**

Adopted:

Boxer/Schumer Amendment No. 1328, to require reports on protecting commercial aircraft from the threat of shoulder-fired missile systems. **Pages S9749–51**

By 79 yeas to 19 nays (Vote No. 292), Boxer Amendment No. 1331, to require a classified report to Congress on the security costs incurred by State and local government law enforcement personnel in each state in complying with requests and requirements of the United States Secret Service to provide protective services and transportation for foreign and domestic officials. **Pages S9751–53, S9755–56**

Dayton Amendment No. 1336, to prohibit the use of funds for procurements in contravention of the Buy American Act. **Pages S9757–58**

Lautenberg Amendment No. 1344, to provide for a report to Congress on the Homeland Security Advisory System. **Pages S9767–69**

Byrd (for Bingaman) Amendment No. 1353, to provide for a study by the General Accounting Office on the implementation of the Student Exchange Visitor Information System (SEVIS). **Pages S9783–85**

Byrd (for Dodd) Amendment No. 1354, to ensure that there is a robust program of research and development for the Coast Guard. **Pages S9783–85**

Byrd Amendment No. 1355, to provide that the Secretary of Homeland Security has published in the Federal Register the Department's privacy notice for CAPPS II or no later than 60 days after enactment of this Act, whichever is later. **Pages S9783–85**

Byrd (for Murray) Amendment No. 1356, to provide funding for oil spill prevention efforts under the Ports and Waterways Safety Systems (PAWSS) program. **Pages S9783–85**

Byrd (for Reid/Ensign) Amendment No. 1357, to express the sense of the Senate that the Secretary of Homeland Security should take into account tourist population as a factor when determining resource needs and potential vulnerabilities for the purpose of allocating funds for discretionary and formula grants. **Pages S9783–85**

Byrd (for Conrad/Dorgan) Amendment No. 1358, to require the Under Secretary for Emergency Preparedness and Response to review any outstanding claims by the University of North Dakota relating to damages and costs associated with the April 1997 flooding in North Dakota and report to Congress on the efforts to resolve such claims. **Pages S9783–85**

Byrd (for Edwards) Amendment No. 1359, to require a report on the vulnerability of the 250 largest sports and entertainment facilities (based on seating capacity). **Pages S9783–85**

Rejected:

Hollings Amendment No. 1341, to provide funds to increase maritime security. (By 50 yeas to 48 nays (Vote No. 294), Senate tabled the amendment.) **Pages S9758–63**

Withdrawn:

Clinton Amendment No. 1348, to express the sense of the Senate that homeland security grants to States and local governments awarded pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711) should be allocated to States through a threat-based formula, with minimum allocations for small States. **Pages S9774, S9775–78**

Pending:

Reid Amendment No. 1318, to appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations. **Page S9748**

During consideration of this measure today, Senate also took the following action:

By 45 yeas to 53 nays (Vote No. 293), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974, with respect to Murray Amendment No. 1327, to increase funding for emergency management performance grants. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, since the amendment would provide spending in excess of the 302(b) allocation, was sustained, and the amendment thus falls. **Pages S9753–55, S9756**

By 45 yeas to 51 nays (Vote No. 295), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 1343, to increase the funds for research and development related to transportation security. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, since the amendment would provide spending in excess of the 302(b) allocation, was sustained, and the amendment thus falls. **Pages S9763–67, S9774**

By 48 yeas to 49 nays (Vote No. 296), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974, with respect to Mikulski Amendment No. 1346, to increase the amount of the appropriation for firefighter assistance grants by $150,000,000. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, since the amendment would provide spending in excess of the 302(b) allocation, was sustained, and the amendment thus falls. **Pages S9769–73, S9774–75**

By 43 yeas to 52 nays (Vote No. 297), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974, with respect to Corzine Amendment No. 1350, to appropriate $80,000,000 for the Office of the Under Secretary for Information Analysis and Infrastructure Protection to conduct chemical facility security assessments. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, since the amendment would provide spending in excess of the 302(b) allocation, was sustained, and the amendment thus falls. **Pages S9778–80, S9782–83**

By 45 yeas to 51 nays (Vote No. 298), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974, with respect to Schumer/Baucus Amendment No. 1351, to make available an additional $200,000,000 to increase the number of border personnel at the northern border of the United States by the end of fiscal year 2004. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, since the amendment would provide spending in excess of the 302(b) allocation, was sustained, and the amendment thus falls. **Pages S9780–82, S9783**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Thursday, July 24, 2003. **Page S9824**

Appointments:

Mickey Leland National Urban Air Toxics Research Center: The Chair, on behalf of the Majority Leader, pursuant to Public Law 101–549, appointed Dr. Bernard Goldstein, of Pennsylvania, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice M.M. Key. **Page S9823**

United States Senate Caucus on International Narcotics Control: The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public

Law 99–93, as amended by Public Law 99–151, appointed Senator Norman Coleman of Minnesota as a member of the United States Senate Caucus on International Narcotics Control. **Page S9823**

Nominations Confirmed: Senate confirmed the following nominations:

Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation.

Pamela Harbour, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 2002. **Pages S9823, S9825**

Messages From the House: **Page S9791**

Enrolled Bills Presented: **Page S9791**

Executive Communications: **Pages S9791–93**

Executive Reports of Committees: **Page S9793**

Additional Cosponsors: **Pages S9794–95**

Statements on Introduced Bills/Resolutions: **Pages S9795–S9801**

Additional Statements: **Pages S9790–91**

Amendments Submitted: **Pages S9801–10**

Authority for Committees to Meet: **Pages S9810–11**

Privilege of the Floor: **Page S9811**

Record Votes: Seven record votes were taken today. (Total—298) **Pages S9755–56, S9763, S9774–75, S9783**

Recess: Senate met at 9 a.m., and recessed at 8:48 p.m., until 9:30 a.m., on Thursday, July 24, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9824.)

Committee Meetings

(Committees not listed did not meet)

PUBLIC TRANSPORTATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded hearings to examine enhancing the role of the private sector in public transportation, focusing on competitive contracting, the Denver Experience, intercity motorcoach security funding, intermodal facilities funding, rural transportation, and public funds versus private operators, after receiving testimony from Irwin Rosenberg, Laidlaw Transit Services, Inc., Burlington, Ontario, on behalf of the American Transit Services Council; Robert Molofsky, Amalgamated Transit Union, and Peter J. Pantuso, American Bus Association, both of Washington, D.C.; and Margie Wilcox, Taxicab, Limousine, and Paratransit Association, Kensington, Maryland.

PUBLIC INTEREST AND LOCALISM: MEDIA OWNERSHIP

Committee on Commerce, Science, and Transportation: Committee concluded hearings on public interest and localism issues with respect to media ownership, including public interest obligations of local broadcasters and the role of broadcasters in the delivery of local news and public affairs programming, after receiving testimony from Michael J. Copps, Commissioner, Federal Communications Commission; Robert Corn-Revere, Davis Wright Tremaine, LLP, Washington, D.C.; Barry M. Faber, Sinclair Broadcast Group, Inc., Hunt Valley, Maryland; David J. Davis, WPVI–Channel 6, Philadelphia, Pennsylvania; Dean Martin Kaplan, University of Southern California Annenberg School for Communication, Los Angeles; and L. Brent Bozell III, Parents Television Council and the Conservative Communications Center, Alexandria, Virginia.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 391, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, with an amendment;

S. 434, to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes, with an amendment in the nature of a substitute;

S. 435, to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, with an amendment;

S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, with an amendment;

S. 714, to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, with an amendment;

S. 1003, to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River, with an amendment;

H.R. 622, to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, with an amendment;

H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, with an amendment in the nature of a substitute.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

The Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (Treaty Doc. 106–45), with 1 reservation;

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);

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, 2000 (Treaty Doc. 107–10), with 1 condition;

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'') (Treaty Doc 108–1);

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 (Treaty Doc. 108–2), with 1 declaration;

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, with amendments; and

S. Res. 184, calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, with amendments; and

A Foreign Service Officer promotion list received in the Senate on June 25, 2003.

IRAQ RECONSTRUCTION

Committee on Foreign Relations: Committee held hearings to examine status and prospects for reconstruction relating to Iraq, focusing on establishing public safety, Iraqi ownership, employment, providing basic services, decentralization, changing the Iraqi national mindset, mobilizing a new reconstruction coalition, money and flexibility, Ba'athist media, and U.S. media operations, receiving testimony from John Hamre, Center for Strategic and International Studies, Washington, D.C.; and Anthony Borden, Institute for War and Peace Reporting, London, United Kingdom.

Hearings continue on Tuesday, July 29, 2003.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 720, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, with an amendment in the nature of a substitute; and

The nominations of 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.

INDIAN HEALTH CARE

Committee on Indian Affairs: Committee concluded hearings on S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, after receiving testimony from Melanie Benjamin, Mille Lacs Band of Ojibwe, Onamia, Minnesota; Buford L. Rolin, Poarch Creek Band of Indians, Atmore, Alabama, on behalf of the Indian Health Board; Myra M. Munson, Sonosky, Chambers, Sachse, Miller and Munson, Juneau, Alaska; and Mim Dixon, Dixon and Associates, Boulder, Colorado.

LAW ENFORCEMENT AND TERRORISM

Committee on the Judiciary: Committee concluded hearings on law enforcement and terrorism issues, focusing on ongoing federal efforts to improve the collection and use of intelligence to protect the American people from terrorist attacks, and the Department of Justice Inspector General Report, ''The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks'' after receiving testimony from Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice; and Asa Hutchinson, Under Secretary of Homeland Security for Border and Transportation Security.

NOMINATION

Committee on the Judiciary: Committee ordered favorably reported the nomination of William H. Pryor,

Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings to examine the nominations of Rene Acosta, of Virginia, to be an Assistant Attorney General, who was introduced by Senator Allen and Representative Ros-Lehtinen, and Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, who was introduced by Senators Allen and Biden, both of the Department of Justice, after the nominees testified and answered questions in their own behalf.

SMITHFIELD/FARMLAND DEAL

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy, and Consumer Rights concluded hearings to examine agricultural consolidation and the Smithfield/Farmland Deal, after receiving testimony from Senator Johnson; Joseph Sebring, John Morrell, Inc., Cincinnati, Ohio; William Hughes, Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison; Russ Kremer, Missouri Farmers' Union, Jefferson City; Michael Stumo, Organization for Competitive Markets, Winstead, Connecticut; Luther Tweeten, Columbus, Ohio; and Patrick Bell, Kenansville, North Carolina.

House of Representatives

Chamber Action

Measures Introduced: Measures introduced will appear in the next issue of the Record.

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed as follows:

H. Res. 334, providing for consideration of H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004 (H. Rept. 108–230);

H. Res. 335, providing for consideration of H.R. 2427, to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs (H. Rept. 108–231); and

H. Res. 336, providing for consideration of H.R. 2210, to reauthorize the Head Start Act to improve the school readiness of disadvantaged children (H. Rept. 108–232). **(See next issue.)**

Chaplain: The prayer was offered by the guest Chaplain, Dr. Ben Haden of Changed Lives in Chattanooga, Tennessee. **Page H7333**

Question of Privileges of the House: The House agreed to table H. Res. 330, concerning a matter of the privileges of the House, by a yea-and-nay vote of 223 yeas to 193 nays, Roll No. 410. **Pages H7336–37**

Rule Providing for Consideration of the Chile and Singapore Free Trade Agreements: The House agreed to H. Res. 329, the rule that is providing for consideration of H.R. 2738, to implement the United States-Chile Free Trade Agreement, and for consideration of H.R. 2739, to implement the United States-Singapore Free Trade Agreement by a recorded vote of 281 ayes to 144 noes, Roll No. 415, and agreed to table the motion to reconsider the vote by a recorded vote of 228 ayes to 197 noes, Roll No. 416. Earlier, agreed to order the previous question by a recorded vote of 226 ayes to 200 noes, Roll No. 413, and agreed to table the motion to reconsider the vote by a recorded vote of 223 ayes to 201 noes, Roll No. 414. **Pages H7339–47, H7348–51**

Motions to Adjourn: Rejected the Hastings of Florida motion to adjourn by a yea-and-nay vote of 28 yeas to 389 nays, Roll No. 412, and later rejected a second motion to adjourn by a recorded vote of 29 ayes to 394 noes and 1 voting "present", Roll No. 417. **Pages H7347–48, H7351**

Question of Personal Privilege: Representative Thomas rose to a point of personal privilege and was recognized. **Pages H7351–52**

Commerce, Justice, and State, Judiciary, and Related Agencies Appropriations: The House passed 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 by a yea-and-nay vote of 400 yeas to 21 nays, Roll No. 422. The bill was also considered on July 22. **Pages H7337–39, H7352–69**

Agreed To:

Ose amendment that prohibits any funding to issue visas to anyone who violates the child abduction provisions of the Immigration and Nationality Act (agreed to by a recorded vote of 424 ayes with none voting "no", Roll No. 418); and **Pages H7352–53**

Hostettler amendment that prohibits funds to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassworth v. Moore dealing with the display of the Ten Commandments (agreed to by a recorded vote of 260 ayes to 161 noes, Roll No. 419); **Pages H7353–54**

Rejected:

Hinchey amendment No. 1 printed in the Congressional Record of July 21 that sought to prohibit any funds to be used to prevent Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States (rejected by a recorded vote of 152 ayes to 273 noes, Roll No. 420); and **Pages H7354–55**

Rush amendment that seeks to prohibit funds to be used for the sentencing phase of any Federal prosecution in which the death penalty is sought by the United States (rejected by a recorded vote of 85 ayes to 339 noes, Roll No. 421); **Page H7355**

Point of Order sustained against:

Levin amendment that seeks to prohibit any funding to negotiate a Free Trade Area of the Americas (FTAA) or a Central American Free Trade Agreement (CAFTA) unless various conditions are met (agreed to sustain the ruling of the Chair by a recorded vote of 231 ayes to 198 noes, Roll No. 411). **Pages H7337–39**

H. Res. 326, the rule that provided for consideration of the bill was agreed to by voice vote on July 22.

Recess: The House recessed at 7:21 p.m. and reconvened at 8:08 p.m. **(See next issue.)**

Foreign Operations, Export Financing, and Related Programs Appropriations: The House passed H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004 by yea-and-nay vote of 370 yeas to 50 nays, Roll No. 429. **Pages H7369–76 (continued next issue)**

Agreed To:

Kolbe amendment that clarifies the authorities of the Coordinator of United States government Activities to Combat HIV/AIDS Globally; **(See next issue.)**

Hefley amendment that strikes $600,000 for International Military Education and Training funding; **(See next issue.)**

Biggert amendment that provides for the United States participation in the Thirteenth Replenishment of the Resources of the International Development Association;

Hastings of Florida amendment that expresses the Sense of Congress that the President should use all diplomatic options to ensure that the Government of North Korea does not engage in efforts relating to the proliferation of nuclear weapons; **(See next issue.)**

Kolbe amendment that clarifies procedures of the United States Agency for International Development with respect to competitive contracting procedures to support programs in Iraq; **(See next issue.)**

Sanders amendment that prohibits any funding to support an order requiring the production of library circulation records, library patron lists, library internet records, bookseller sales records, or bookseller customer lists; **(See next issue.)**

Rejected:

Kilpatrick amendment that sought to increase funding for global HIV/AIDS programs by $300 million with offsets from the Millennium Challenge Account (rejected by recorded vote of 192 ayes to 228 noes, Roll No. 425); **(See next issue.)**

McGovern amendment No. 5 printed in the Congressional Record of July 21 that sought to increase funding for Child Survival and Health Programs fund by $75 million with offsets from the Andean Counterdrug Initiative and Plan Colombia (rejected by recorded vote of 195 ayes to 226 noes, Roll No. 426); **(See next issue.)**

Hefley amendment No. 1 printed in the Congressional Record of July 21 that sought to reduce overall funding by 1 percent (rejected by recorded vote of 110 ayes to 309 noes, Roll No. 427); **(See next issue.)**

Weiner amendment that sought to prohibit any assistance to Saudi Arabia (rejected by recorded vote of 191 ayes to 231 noes, Roll No. 428); **(See next issue.)**

Point of Order sustained against:

Jackson of Illinois amendment that sought to increase emergency funds for the International Development Agency; **(See next issue.)**

Kaptur amendment that sought to make available at least $94 million in assistance to Ukraine; **(See next issue.)**

Weiner amendment that sought to prohibit funding to finance directly any assistance or reparations to Saudi Arabia; **(See next issue.)**

Sec. 568(a)(3) dealing with agricultural commodities guaranteed by the Commodity Credit Corporation; **(See next issue.)**

Sec. 572 dealing with Competition in Contracting; **(See next issue.)**

Sec. 575 dealing with the role of the United States Agency for International Development; **(See next issue.)**

Nadler amendment No. 15 printed in the Congressional Record of July 22 that sought to withhold one-third of the funding made available to the United Nations Relief and Works Agency until the

President certifies that a program has been established for the resettlement of refugees and that the agency replaces its textbooks and educational materials that promote anti-Semitism; **(See next issue.)**

Jackson-Lee amendment No. 10 printed in the Congressional Record of July 22 that sought to prohibit funding to prohibit the participation of women in international peace efforts; **(See next issue.)**

Jackson-Lee amendment No. 8 printed in the Congressional Record of July 22 that sought to prohibit funding to prohibit the establishment of an independent commission on weapons of mass destruction in Iraq; **(See next issue.)**

Withdrawn:

Schiff amendment No. 11 printed in the Congressional Record was offered, but subsequently withdrawn, that sought to increase funding for the Nonproliferation and Disarmament fund by $15 million; **(See next issue.)**

Ryun of Kansas amendment No. 12 printed in the Congressional Record of July 22 was offered, but subsequently withdrawn, that sought to prohibit funding to countries that materially hindered the United States led coalition's efforts to liberate the Iraqi people; and **(See next issue.)**

Otter amendment was offered, but subsequently withdrawn, that sought limit assistance to the Palestinian Authority during a quarter of fiscal year 2004 if the Secretary of State determines that the Palestinian authority has provided support for acts of international terrorism. **(See next issue.)**

Motions to Rise:

Rejected the DeLauro motion that the Committee rise by a recorded vote of 84 ayes to 318 noes, Roll, No. 423; and **Pages H7374–75**

Rejected the Jackson of Illinois motion that the Committee rise by a recorded vote of 63 ayes to 342 noes, Roll, No. 424. **(See next issue.)**

H. Res 327, the rule that provided for consideration of the bill was agreed to on July 22. **(See next issue.)**

Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees: The House completed debate on the Bishop of New York motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act, that was noted on July 23. Further proceedings on the motion were postponed. Earlier, Representative Solis announced her intention to offer a motion to instruct conferees on the bill. **(See next issue.)**

Amendments: Amendments ordered printed pursuant to the rule appear in the next issue of the Record.

Quorum Calls—Votes: Four yea-and-nay votes and seventeen recorded votes developed during the proceedings of the House today and appear on pages H7336–37, H7338–39, H7347–48, H7348–49, H7349, H7350, H7350–51, H7351, H7353, H7353–54, H7354–55, H7355, H7369, H7375 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 2:50 a.m. on Thursday, July 24.

Committee Meetings

WILDFIRE SEASON AND THREATS

Committee on Agriculture: Held a hearing to review the 2002 Wildfire Season and the Wildfire Threats of the 2003 Season. Testimony was heard from Mark E. Rey, Under Secretary, Natural Resources and Environment, USDA; and public witnesses.

AIR FORCE TANKER LEASE PROPOSAL

Committee on Armed Services: Held a hearing on the Air Force Tanker Lease Proposal. Testimony was heard from the following officials of the Department of Defense: Michael Wynne, Acting Under Secretary, Acquisition, Technology and Logistics; Marvin R. Sambur, Assistant Secretary, Air Force (Acquisition); and Maj. Gen. Paul W. Essex, USAF, Director, Plans and Programs, Headquarters, Air Mobility Command; Neal Curtin, Director, Defense Capabilities and Management, GAO; and a public witness.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing on the following bills: H.R. 382, Solid Waste International Transportation Act of 2003; H.R. 411, to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste; and H.R. 1730, Solid Waste Interstate Transportation Act of 2003. Testimony was heard from Senator Stabenow; Representative Miller of Michigan; Robert Springer, Director, Office of Solid Waste, EPA; the following officials of the State of Michigan: Ken Sikkema, member, Senate; and Steven Chester, Director, Department of Environmental Quality; the following officials of New York City: Andrew Lanza, Councilman; and Robert Orlin, Deputy Commissioner, Department of Sanitation; Nick DiPasquale, Deputy Secretary, Department of Environmental Protection, State of Pennsylvania; and public witnesses.

"ISSUES RELATING TO EPHERA-CONTAINING DIETARY SUPPLEMENTS"

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held an hearing entitled "Issues Relating to Ephera-containing Dietary

Supplements.'' Testimony was heard from Marcia Crosse, Acting Director, Health Care—Public Health and Science Issues, GAO; and public witnesses.

In refusing to give testimony, the following witnesses invoked Fifth Amendment privileges: Michael Ellis, Founder and co-owner; and Daniel Rodriguez, R.N., Head Nurse, all with Metabolife International, Inc., San Diego, California; and David Brown, former President and Chief Executive Officer, Metabolife International, Inc., San Diego, California.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following: H.R. 1533, to amend the securities laws to permit church pension plans to be invested in collective trusts; H.R. 1985, amended, FHA Multifamily Loan Limit Adjustment Act of 2003; H.R. 253, amended, Two Floods and Your Are Out of the Taxpayers' Pocket Act of 2003; and H.R. 2420, amended, Mutual Funds Integrity and Fee Transparency Act of 2003.

POST 9/11 FEDERAL LAW ENFORCEMENT PERSONNEL—IMBALANCED COMPENSATION SYSTEM

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization and the Subcommittee on Criminal Justice, Drug Policy and Human Resources held a joint hearing entitled ''Federal Law Enforcement Personnel in the Post 9/11 Era: How Can We Fix an Imbalanced Compensation System?'' Testimony was heard from Representatives Filner, Van Hollen, Rogers of Alabama and King of New York; Joanne Simms, Deputy Assistant Attorney General, Human Resources Administration, Department of Justice; Norman J. Rabkin, Managing Director, Homeland Security and Justice, GAO; Donald J. Winstead, Deputy Associate Director, Center for Pay and Performance Policy, OPM; Kay Frances Dolan, Director, Human Relations Policy, Department of Homeland Security; and public witnesses.

GAO HUMAN CAPITAL REFORM ACT

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization approved for full Committee action, as amended, H.R. 2751, GAO Human Capital Reform Act of 2003.

SEC STRATEGIC PLANNING

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held an oversight hearing entitled ''SEC Strategic Planning—Will Additional Resources Help the SEC Fulfill It's Mission?'' Testimony was heard from Richard Hillman, Director, Financial Markets and Community Investment, GAO; and Peter Derby, Managing Executive, Operations, Office of the Chairman, SEC.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H.J. Res. 63, amended, to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023; H.R. 1813, Torture Victims Relief Reauthorization Act of 2003; and H.R. 2620, amended, Trafficking Victims Protection Reauthorization Act of 2003.

CENTRAL ASIA TERRORISM, RELIGIOUS EXTREMISM, AND REGIONAL STABILITY

Committee on International Relations: Subcommittee on the Middle East and Central Asia, hearing on Central Asia: Terrorism, Religious Extremism, and Regional Stability. Testimony was heard from Stephen Blank, Professor, Strategic Studies Institute, U.S. Army War College; and public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, 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 provides that the amendment printed in the Rules Committee report accompanying the rule may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the

Whole. The rule waives all points of order against the amendment printed in the report. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule provides that after a motion that the Committee rise has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the Majority Leader, or a designee. The rule provides that after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Frelinghuysen and Smith of New Jersey.

PHARMACEUTICAL MARKET ACCESS ACT

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate on H.R. 2427, Pharmaceutical Market Access Act of 2003, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, or their designees. The rule waives all points of order against consideration of the bill. The rule provides that during consideration of the bill, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Finally, the rule provides one motion to recommit. Testimony was heard from Representatives Buyer, Gutknecht, Emerson, Deutsch, Sanders, and Emanuel.

READY TO TEACH ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 2210, Ready to Teach Act of 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that in lieu of the amendment recommended by the Committee on Education and the Workforce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment, the amendment in the nature of a substitute printed in part A of the Rules Committee report accompanying the resolution, and provides that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute printed in part A of the report. The rule provides that amendments printed in part B of the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in part B of the report. The rule provides that after a motion that the Committee rise has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Education and the Workforce or the Majority Leader or a designee. The rule provides that after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. Finally, the rule provides one motion to recommit with or without instructions.

TAX CODE—ASSISTING SMALL BUSINESSES—RECENT GAINS AND WHAT REMAINS TO BE DONE

Committee on Small Business: Held a hearing on Assisting Small Businesses Through the Tax Code—Recent Gains and What Remains to be Done. Testimony was heard from Thomas M. Sullivan, Chief Counsel for Advocacy, SBA; Nina E. Olson, Taxpayer Advocate, IRS, Department of the Treasury; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported, as amended, H.R. 2557, Water Resources Development Act of 2003.

The Committee also approved the following: GSA Fiscal Year 2004 Capital Investment and Leasing Program Resolutions and Courthouse Resolutions; Natural Resources Conservation Service Small Watershed Resolution; and Transportation and Infrastructure Committee Waste, Fraud, and Abuse Report.

INTELLIGENCE ISSUES; LEGAL AUTHORITIES

Permanent Select Committee on Intelligence: Met in executive sessions to hold hearings on Intelligence Issues and Legal Authorities. Testimony was heard from departmental witnesses.

SECURING AMERICA'S BORDERS—BEST BUSINESS PRACTICES

Select Committee on Homeland Security: Subcommittee on Infrastructure and Border Security held a hearing

entitled ''Best Business Practices in Securing America's Borders.'' Testimony was heard from public witnesses.

Joint Meetings

Notice: The information relative to conference action on H.R. 1588 was incorrect on page D865 in the Senate Daily Digest of July 22, 2003. Listed below is the statement as it should have appeared:

NATIONAL DEFENSE AUTHORIZATION ACT

Conferees met on the differences between the Senate and House passed versions of H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, JULY 24, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to mark up 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, 11 a.m., SR–328A.

Committee on Armed Services: to hold hearings to examine the nominations of General Richard B. Meyers, USAF, for reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general, and General Peter Pace, USMC, for reappointment as Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of general, 9:30 a.m., SR–325.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, to hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization, 10 a.m., SH–216.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold oversight hearings to examine the competitive sourcing effort within the National Park Service, 3 p.m., SD–366.

Committee on Foreign Relations: Subcommittee on African Affairs, to hold hearings to examine the nomination of Donald K. Steinberg, of California, to be Ambassador to the Federal Republic of Nigeria; to be followed by hearings on the Congo Basin Forest Partnership, 9 a.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the past and present of the administration's competitive sourcing initiative, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine federal biodefense readiness, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, S. 1301, to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, S. 1177, to ensure the collection of all cigarette taxes, S. Con. Res. 40, designating August 7, 2003, as ''National Purple Heart Recognition Day'', S. Res. 124, designating September 28, 2003, as ''National Good Neighbor Day'', S. Res. 167, recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century, and the nominations of James O. Browning, to be United States District Judge for the District of New Mexico, Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, P. Kevin Castel, to be United States District Judge for the Southern District of New York, Sandra J. Feuerstein, to be United States District Judge for the Eastern District of New York, Richard J. Holwell, to be United States District Judge for the Southern District of New York, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, R. David Proctor, to be United States District Judge for the Northern District of Alabama, Stephen C. Robinson, to be United States District Judge for the Southern District of New York, and 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, 9:30 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to review Tobacco Quota Buyout, 9:30 a.m., 1300 Longworth.

Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review operations of the Food Stamp Program, 1:30 p.m., 1302 Longworth.

Committee on Appropriations, to mark up the Transportation, Treasury and Independent Agencies appropriations for fiscal year 2002, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Cyber Terrorism: The New Asymmetric Threat, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on Economic Effects of Long-Term Federal Obligations, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, to mark up H.R. 2728, Occupational Safety and Health Small Business Day in Court Act of 2003; H.R. 2729, Occupational Safety and Health Review Commission Efficiency Act of 2003; and H.R. 2730, to amend the Occupational Safety and Health Act to provide for an independent review of citations issued by the Occupational Safety and Health Administration, 9:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection and the Subcommittee on Oversight and Investigations, hearing entitled ''Issues Relating to Ephedra-containing Dietary Supplements,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, to mark up the following bills: H.R. 2622, Fair and Accurate Credit Transactions Act of 2003; and H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, oversight hearing entitled ''The Thrift Savings Plan: Putting Customers First?'' and to consider the following measures: H.R. 2309, to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal California, as the ''J. Stephen Horn Post Office Building;'' H. Con. Res. 235, celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby; H. Res. 306, congratulating the New York Yankees on the occasion of their 100th anniversary; and H. Res. 315, congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans, 10 a.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 1829, Federal Prison Industries Competition in Contracting Act of 2003; H.R. 292, Korean War Veterans Recognition Act of 2003; H. Res. 234, condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh Americans; H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Programs Act of 1998; and H.R. 1417, Copyright Royalty and Distribution Reform Act of 2003, 10:30 a.m., 2141 Rayburn.

Task Force on Antitrust, oversight hearing on ''The Antitrust Enforcement Agencies: The Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission, 2 p.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on ''Patent Quality Improvement, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on the Abandoned Mine Lands Program, 2 p.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 2693, Marine Mammal Protection Act of 2003, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on the following measures: H.R. 1005, PILT and Refuge Revenue Sharing Permanent Funding Act; H.R. 1723, Caribbean National Forest Act of 2003; H.R. 2707, Salt Cedar and Russian Olive Control Demonstration Act; and to direct the Secretary of Agriculture to exchange certain lands within the Arapaho and Roosevelt National Forest in the State of Colorado, 9 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on the following measures: the Water Supply, Reliability and Environmental Improvement Act; and H.R. 2642, Calfed Bay—Delta Authorization Act, 2 p.m., 1324 Longworth.

Committee on Small Business, to mark up H.R. 2802, Small Business Reauthorization and Manufacturing Revitalization Act of 2003, 9:30 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on oversight of the Department of Labor's administration of the Uniformed Services Employment and Reemployment Rights Act (USERRA) under chapter 43 of title 38, United States Code, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, hearing on SSA's Service Delivery Plan, 10 a.m., B–2318 Rayburn.

Permanent Select Committee on Intelligence, hearing on Sufficiency of Intelligence on Iraq, 9 a.m., 2318 Rayburn.

Subcommittee on Intelligence Policy and National Security, executive, briefing on pending business, 4 p.m., H–405 Capitol.

Select Committee on Homeland Security. Subcommittee on Intelligence and Counterterrorism hearing entitled ''Improvements to Department of Homeland Security Information Sharing Capabilities—Vertical and Horizontal Intelligence Communications,'' 2 p.m., 2318 Rayburn.

Joint Meetings

Joint Meetings: Senate Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology and Space, to hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization, 10 a.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 24

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of H.R. 2555, Homeland Security Appropriations.

(Senate will observe a moment of silence at 3:40 p.m. in honor of Capital Police officers Jacob Chestnut and John Gibson.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 24

House Chamber

Program for Thursday:

Consideration of H.R. 2738, to implement the United States-Chile Free Trade Agreement (closed rule, two hours of general debate);

Consideration of H.R. 2739, to implement the United States-Singapore Free Trade Agreement (closed rule, two hours of general debate);

Consideration of H.R. 2210, School Readiness Act (structured rule, one hour of general debate);

Consideration of H.R. 2765, District of Columbia Appropriations (open rule, one hour of general debate); and

Consideration of H.R. 2427, Pharmaceutical Market Access Act (closed rule, one hour of general debate).

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